

Exhibit 24

Michelle Lamb - 4/27/2022

1	<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF TEXAS</p> <p>3 HOUSTON DIVISION</p> <p>4 JENNIFER HARRIS, *</p> <p>5 Plaintiff, *</p> <p>6 vs. * CIVIL ACTION</p> <p>7 FEDEX CORPORATE SERVICES, * 4:21-cv-1651</p> <p>8 INC., *</p> <p>9 Defendant. *</p> <p>10 *****</p> <p>11 ORAL AND VIDEOTAPED DEPOSITION OF</p> <p>12 MICHELLE LAMB</p> <p>13 APRIL 27, 2022</p> <p>14 (Conducted Remotely)</p> <p>15 *****</p> <p>16 ORAL AND VIDEOTAPED DEPOSITION OF MICHELLE</p> <p>17 LAMB, produced as a witness at the instance of the</p> <p>18 Plaintiff, and duly sworn, was taken in the above-styled</p> <p>19 and -numbered cause on the 27th day of April, 2022, from</p> <p>20 8:29 a.m. to 11:13 a.m., before Leah K. Osteen Dow, CSR</p> <p>21 in and for the State of Texas, reported remotely by</p> <p>22 machine shorthand, with the witness being located in</p> <p>23 Houston, Texas, taken pursuant to the Federal Rules of</p> <p>24 Civil Procedure and any provisions, stipulations, or</p> <p>25 agreements stated on the record by counsel.</p>	3
2	<p>1 A P P E A R A N C E S</p> <p>2 (Appearing remotely)</p> <p>3</p> <p>4 FOR THE PLAINTIFF:</p> <p>5 Ms. Elizabeth "BB" Sanford (videographer)</p> <p>6 THE SANFORD FIRM</p> <p>7 1910 Pacific Avenue</p> <p>8 Suite 15400</p> <p>9 Dallas, Texas 75201</p> <p>10 (214) 717-6653</p> <p>11 esanford@sanfordfirm.com</p> <p>12</p> <p>13 FOR THE DEFENDANT:</p> <p>14 Mr. Barak J. Babcock</p> <p>15 FEDERAL EXPRESS CORPORATION</p> <p>16 3620 Hacks Cross Road</p> <p>17 Building B, 3rd Floor</p> <p>18 Memphis, Tennessee 38125</p> <p>19 (301) 739-0512</p> <p>20 barak.babcock@fedex.com</p> <p>21</p> <p>22 ALSO PRESENT:</p> <p>23 Ms. Jennifer Harris</p> <p>24</p> <p>25</p>	4
3	<p>1 I N D E X</p> <p>2</p> <p>3 PAGE</p> <p>4 Appearances 4</p> <p>5</p> <p>6 MICHELLE LAMB</p> <p>7</p> <p>8 Examination by Ms. Sanford 5</p> <p>9</p> <p>10 Errata 96 - 97</p> <p>11</p> <p>12 Reporter's Certification 98 - 99</p> <p>13</p> <p>14 EXHIBITS</p> <p>15 EXHIBIT NO. DESCRIPTION PAGE</p> <p>16</p> <p>17 (None offered.)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	4
4	<p>1 P R O C E E D I N G S</p> <p>2 THE REPORTER: Going on the record at 8:29</p> <p>3 a.m., April 27, 2022, for the deposition of Michelle</p> <p>4 Lamb, being conducted remotely in the matter of Jennifer</p> <p>5 Harris vs. FedEx Corporate Services, Inc.</p> <p>6 My name is Leah Osteen, Texas CSR 3916,</p> <p>7 reporting remotely from Hurst, Texas. The witness is</p> <p>8 located in Houston, Texas.</p> <p>9 Would counsel state their appearances and</p> <p>10 any agreements for the record.</p> <p>11 MS. SANFORD: BB Sanford for the</p> <p>12 Plaintiff, Jennifer Harris. And Brian Sanford may be</p> <p>13 joining later, too, but he's not here now.</p> <p>14 MR. BABCOCK: Good morning. Barak Babcock</p> <p>15 for FedEx.</p> <p>16 And, Counsel, we've had email traffic, but</p> <p>17 just to reiterate what we wrote in our March 6, 2022,</p> <p>18 email, we believe that Zoom deposition recordings</p> <p>19 recorded in the Zoom app are objectionable to be</p> <p>20 submitted to the Court or a jury. So we'll just put</p> <p>21 that objection on the record.</p> <p>22 THE REPORTER: Ms. Lamb, if you'll raise</p> <p>23 your right hand, I'll swear you in.</p> <p>24 (Witness placed under oath.)</p> <p>25 MICHELLE LAMB,</p>	4

1 (Pages 1 to 4)

Osteen & Associates Reporting Services
817-498-9990

Appx-844

Michelle Lamb - 4/27/2022

<p style="text-align: right;">5</p> <p>1 having been first duly sworn, testified as follows: 2 EXAMINATION 3 BY MS. SANFORD: 4 Q. All right. Good morning, Ms. Lamb. My name is 5 BB Sanford. I'll be the one asking you most of the 6 questions today. 7 A. Okay. 8 Q. Have you ever had your deposition taken before? 9 A. No, I have not. 10 Q. Okay. I assume your attorney probably told you 11 how this is going to go. But he may make certain 12 objections throughout the course of the deposition. You 13 may still continue to answer even if he objects unless 14 he instructs you not so. 15 Do you understand that? 16 A. Yes, I do. Thank you. 17 Q. And where are you located today? 18 A. I'm located in Houston, Texas. 19 Q. Are you at your office? Are you at your 20 attorney's office? 21 A. I am in a FedEx office, not my FedEx office. 22 Q. Where is your FedEx office located? 23 A. I work out of my home presently. 24 Q. And when you don't, do you have an office? Do 25 you have a spot that you go to at a building that's not</p>	<p style="text-align: right;">7</p> <p>1 Q. Was that a managerial position? 2 A. No, it was not. 3 Q. Prior to FedEx, have you ever been in a 4 managerial position? 5 A. No, I had not. 6 Q. When did you become manager at FedEx? 7 A. I became a manager at FedEx -- I'd have to 8 double-check the exact date, but approximately I'd say 9 two thousand- -- excuse me, 2014 would be my assumption, 10 but I'd have to double-check my records to confirm. 11 Q. Could you walk me through your timeline at 12 FedEx? Started off as account executive. What happened 13 after that? 14 A. Yes. I was hired in as an account executive. 15 I was identified as a high performer and promoted to a 16 sales manager position, also in Detroit, Michigan. 17 Q. And is that the around 2014 one? 18 A. Correct. 19 Q. And what happened after that? 20 A. I maintained that position until May of 2017 21 when I was promoted to the managing director of field 22 sales in Houston, Texas. 23 Q. When you were a sales manager in Detroit, did 24 that have anything -- what type of sales were you doing? 25 A. That was face-to-face sales activity, calling</p>
<p style="text-align: right;">6</p> <p>1 your home when you work? 2 A. No, I do not. 3 Q. When did that change? 4 A. That changed at some point during COVID. 5 Q. In the time that you were Ms. Harris's manager, 6 where did you office? 7 A. I officed in a location that was shared with 8 FedEx SmartPost, and that was also in Houston, Texas. 9 Q. Does that building have a certain name? 10 A. It is -- it's referred to as "FedEx SmartPost." 11 Q. Where did you go to school, Ms. Lamb, college 12 and any post college? 13 A. I went to college at Bowling Green State 14 University in Ohio. 15 Q. What was your degree? 16 A. My degree was international business and 17 marketing. 18 Q. Did you get any postgraduate degrees? 19 A. No. 20 Q. And prior to work- -- when did you start 21 working at FedEx? 22 A. I started working at FedEx in January of 2006. 23 Q. What was your starting position there? 24 A. Starting position was an account executive in 25 Detroit, Michigan.</p>	<p style="text-align: right;">8</p> <p>1 on FedEx's accounts within a specified geography. 2 Q. How does that position compare to being a 3 manager of -- director of field sales? 4 A. As a director, I am leading a group of managers 5 who lead account executives who perform the same 6 functions that I had performed as an account manager 7 myself. 8 Q. So when you were a sales manager in Detroit, is 9 that a comparable position to what Ms. Harris was doing 10 when she was under you? 11 A. Yes, it is comparable. 12 Q. And why did you move to Texas all the way from 13 Detroit? 14 A. I was promoted to managing director of field 15 sales. 16 Q. Is there a reason the location was -- that 17 seems like a big move to me. Is there ... 18 A. It was a big move, but that's where the 19 position was domiciled, and so my family relocated from 20 Michigan to Houston. 21 Q. Have you ever lived in Texas before? 22 A. No, I had not. 23 Q. Where did you grow up? 24 A. I grew up in Ohio. 25 Q. And are you still the director of field sales?</p>

2 (Pages 5 to 8)

Osteen & Associates Reporting Services
817-498-9990

Appx-845

Michelle Lamb - 4/27/2022

<p style="text-align: right;">9</p> <p>1 A. No. I have since moved into a director of</p> <p>2 worldwide sales position.</p> <p>3 Q. Is that a promotion?</p> <p>4 A. Not --</p> <p>5 MR. BABCOCK: Object to form.</p> <p>6 Go ahead and answer, ma'am.</p> <p>7 A. Not technically.</p> <p>8 Q. What does that mean, "not technically"?</p> <p>9 A. There are no additional pay associated with my</p> <p>10 move to worldwide sales.</p> <p>11 Q. So would you characterize it as a lateral move?</p> <p>12 A. Yes.</p> <p>13 Q. What are your job functions as a director of</p> <p>14 worldwide sales?</p> <p>15 A. My primary job function is to ensure that my</p> <p>16 organization grows revenue for the company.</p> <p>17 Q. So when you were a managing director of field</p> <p>18 sales, what territories did you have?</p> <p>19 A. I had central and southern Texas as my</p> <p>20 geography.</p> <p>21 Q. And as a director of worldwide sales, what are</p> <p>22 your territories?</p> <p>23 A. I touch roughly 15 states throughout the U.S.</p> <p>24 Large geography.</p> <p>25 Q. When did you change positions to director of</p>	<p style="text-align: right;">11</p> <p>1 specific segments of business. And my vertical in which</p> <p>2 I work specifically targets business-to-business</p> <p>3 shipments.</p> <p>4 Q. So sounds like -- when you say a "vertical," is</p> <p>5 that kind of like chain of command, like, everyone in</p> <p>6 your department?</p> <p>7 A. Yes. Everyone on my team is devoted to</p> <p>8 pursuing business from a B2B perspective.</p> <p>9 Q. And "B" stands for "business"?</p> <p>10 A. Correct.</p> <p>11 Q. It's not like A to B, B to C? It's just</p> <p>12 business to business? That's just a shorthand?</p> <p>13 A. Correct.</p> <p>14 Q. When you were a manager of -- managing director</p> <p>15 of field sales, how many direct reports did you have?</p> <p>16 A. I had eight direct reports.</p> <p>17 Q. Currently how many direct reports do you have?</p> <p>18 A. I currently have seven direct reports.</p> <p>19 Q. And what are -- what's the job title of those</p> <p>20 direct reports? Are they all the same? Are they</p> <p>21 different? Of your current direct reports.</p> <p>22 A. They are managers, worldwide sales managers.</p> <p>23 Q. And who is -- who do you report to currently?</p> <p>24 A. I report to a vice president of sales by the</p> <p>25 name of Patrick Charles.</p>
<p style="text-align: right;">10</p> <p>1 worldwide sales?</p> <p>2 A. I changed positions in June of 2021.</p> <p>3 Q. And could you tell me how that transition</p> <p>4 occurred? Did you request it? Did FedEx approach you?</p> <p>5 A. FedEx went through a restructure of our sales</p> <p>6 team, and as a result, I was moved into this new</p> <p>7 position in worldwide sales.</p> <p>8 Q. Do you know why there was a restructuring?</p> <p>9 A. I can't speak to that specifically.</p> <p>10 Q. And why can't you speak to that?</p> <p>11 A. I wasn't involved in the decision to</p> <p>12 restructure sales.</p> <p>13 Q. So what is your understanding, since you</p> <p>14 weren't involved in those discussions, of why there was</p> <p>15 a restructuring?</p> <p>16 A. My understanding is that we have created</p> <p>17 specific verticals within our worldwide sales</p> <p>18 organization. One of them, which is the vertical in</p> <p>19 which I reside, is our commercial vertical, meaning I</p> <p>20 call on businesses that primarily ship B2B.</p> <p>21 Q. Okay. That was a lot of -- it sounds like</p> <p>22 FedEx lingo. Could you explain to me "vertical" and</p> <p>23 then what "B2B" means?</p> <p>24 A. Sure. A vertical is a specialty group of sales</p> <p>25 professionals that call on specific industries or</p>	<p style="text-align: right;">12</p> <p>1 Q. And who does Mr. Charles report to?</p> <p>2 A. He reports to a senior vice president of sales</p> <p>3 by the name of Nick Gennari.</p> <p>4 Q. Spell "Gennari."</p> <p>5 A. G-e-n-n-a-r-i.</p> <p>6 Q. And who does Nick Gennari report to?</p> <p>7 A. Nick Gennari reports to Jill Brannon.</p> <p>8 Q. How do you spell that last name?</p> <p>9 A. B-r-a-n-n-o-n.</p> <p>10 Q. And what is Jo [sic] Brannon's title?</p> <p>11 A. She is our chief sales officer.</p> <p>12 Q. Just to clarify, Jo Brannon is a female?</p> <p>13 A. Correct.</p> <p>14 Q. And does Ms. Brannon report to the CEO of FedEx</p> <p>15 Services?</p> <p>16 A. Yes.</p> <p>17 Q. And who is that right now?</p> <p>18 A. It is Fred Smith.</p> <p>19 Q. All right. So when you were the director of</p> <p>20 field sales, you had eight direct reports.</p> <p>21 And who did you report to?</p> <p>22 A. I reported to a vice president of sales by the</p> <p>23 name of Dave Russell.</p> <p>24 Q. And who did Dave Russell report to?</p> <p>25 A. Dave reported to a senior vice president of</p>

3 (Pages 9 to 12)

Osteen & Associates Reporting Services
817-498-9990

Appx-846

Michelle Lamb - 4/27/2022

<p style="text-align: right;">13</p> <p>1 sales by the name of Dan Mullally. 2 Q. Could you spell "Mullally" for me? 3 A. M-u-l-l-a-l-l-y. 4 Q. And who did Mr. Mullally report to? 5 A. He reported to Jill Brannon. 6 Q. Oh, I'm sorry. I must have mis- -- I thought 7 you said Jo Brannon. It's Jill Brannon? 8 A. Jill, J-i-l-l. 9 Q. Thank you. And she is the chief sales officer 10 who reports to the CEO? 11 A. Correct. 12 Q. The eight direct reports that you had as the 13 director of field sales, what were their job titles? 14 A. They were district sales managers. 15 Q. And how many direct reports did each district 16 sales manager have? 17 A. It varied. Anywhere from six, eight. 18 Q. So each district sales manager had about six to 19 eight sales representatives? 20 A. Yes, thereabouts, six to eight. 21 Q. And the sales representatives, did they have 22 anyone reporting to them? 23 A. No. 24 Q. Are the sales representatives classified as 25 individual contributors?</p>	<p style="text-align: right;">15</p> <p>1 Q. And who was that director? 2 A. At that time, it was Dale Hyde. 3 Q. H-i-d-e or H-y-d-e? 4 A. H-y-d-e. 5 Q. What type of performance were you getting -- 6 let me rephrase that. 7 How [sic] did performance reviews look 8 like during that time frame of 2006 up until when you 9 were promoted to be a manager? 10 A. Performance was based on your attainment to 11 goal. At that time, we also had apex reviews, which 12 were formal reviews. 13 Q. And the apex in your scenario would be your 14 boss? 15 A. It would have been conducted by my boss. 16 Q. So the apex review is just a review by your 17 boss? 18 A. Correct. 19 Q. And it was a scale of one to ten or one out of 20 five? 21 A. It was so many years ago, I couldn't speak to 22 the specifics of how it was laid out. 23 Q. Do you remember if you were getting exceeds 24 expectations, satisfactory, meets, below, however FedEx 25 did it? Do you remember that?</p>
<p style="text-align: right;">14</p> <p>1 A. Yes, that's correct. 2 Q. And the district sales managers are not 3 classified as individual sales contributors -- or 4 individual contributors? 5 A. Correct. 6 Q. What is your understanding of what an 7 "individual contributor" means? 8 A. An "individual contributor" is someone who is 9 responsible for growing revenue in their defined 10 territory and also retaining business for FedEx. 11 Q. When Ms. Harris worked for you, she was one of 12 the eight district sales managers from 2017 until she 13 was terminated in 2022; is that correct? 14 MR. BABCOCK: Object to the form. 15 A. Yes, that's correct. 16 Q. I think you said you were promoted from being 17 an account executive to a sales manager because you were 18 a high performer. 19 Could you tell me -- did you win -- or 20 what makes you say you were a high performer? Did you 21 have high performance reviews? Did you get any 22 accolades? 23 A. Yes. I had high performance reviews, and I was 24 someone that my director had seen as having leadership 25 potential.</p>	<p style="text-align: right;">16</p> <p>1 A. No, I do not recall. Again, it was many years 2 ago. 3 Q. When you moved to Texas, did you do performance 4 reviews for your direct reports? 5 A. No, I did not. 6 Q. Why not? 7 A. As a corporation, we had discontinued the use 8 of a formal review process. 9 Q. So is that FedEx-wide, like, FedEx 10 Services-wide? 11 A. Yes. 12 Q. Were you given any information on why FedEx 13 decided to stop formal performance reviews? 14 A. Nothing official; however, we were meeting with 15 our direct reports on a regular basis to assess 16 performance. 17 Q. Was there any structure to that assessment? 18 Any guides? Paperwork? 19 A. There was no formal structure; however, there 20 were certain attributes or activities that were 21 certainly measured and monitored in terms of determining 22 performance. 23 Q. Did FedEx have a policy on what attributes to 24 measure and how to measure those attributes? 25 MR. BABCOCK: Object to the form.</p>

4 (Pages 13 to 16)

Michelle Lamb - 4/27/2022

<p style="text-align: right;">17</p> <p>1 A. Not a policy, no.</p> <p>2 Q. So how did you know what attributes to measure</p> <p>3 and how to measure for your direct reports in 2017 to</p> <p>4 2020?</p> <p>5 A. There are certain attributes that correlate</p> <p>6 with success in the role, and those are measurable. And</p> <p>7 those are the things that were focused on for the</p> <p>8 purpose of performance conversations.</p> <p>9 Q. So what attributes are you talking about that</p> <p>10 are measurable for performance contributions, I think</p> <p>11 you said?</p> <p>12 A. I won't claim to state all of them, but some of</p> <p>13 them that are top of mind in terms of measuring</p> <p>14 performance and indicating future performance would</p> <p>15 include attainment, would include call activity, pricing</p> <p>16 activity, coaching interactions, ensuring that we are</p> <p>17 holding our people, you know, accountable for doing the</p> <p>18 things that it takes to -- to succeed in the role.</p> <p>19 Q. When you say "attainment," is that like a sales</p> <p>20 goal?</p> <p>21 A. Correct.</p> <p>22 Q. Are you setting the sales goals for your direct</p> <p>23 reports?</p> <p>24 A. No, I am not.</p> <p>25 Q. Who is setting those?</p>	<p style="text-align: right;">19</p> <p>1 success in the role because of your personal experience?</p> <p>2 A. Yes.</p> <p>3 Q. FedEx did not have any specific training to</p> <p>4 tell you what attributes to measure for your direct</p> <p>5 reports?</p> <p>6 MR. BABCOCK: Object to form.</p> <p>7 A. I wouldn't say that. You know, those specific</p> <p>8 activities I referenced were measured throughout my VP</p> <p>9 organization.</p> <p>10 Q. But there was no formal training by FedEx on</p> <p>11 how to evaluate the performance of your reports, direct</p> <p>12 reports?</p> <p>13 MR. BABCOCK: Object to the form.</p> <p>14 A. No.</p> <p>15 Q. And FedEx did not have a policy on how you</p> <p>16 measured the performance of your direct reports, true?</p> <p>17 A. True.</p> <p>18 Q. All right. So you moved to Texas in -- what</p> <p>19 did you say? -- 2017, May 2017.</p> <p>20 And when you moved to the manager --</p> <p>21 managing director of field sales role, was Jennifer</p> <p>22 Harris already a district sales manager?</p> <p>23 A. I moved into the managing director position in</p> <p>24 May of 2017, as you stated. As a result of a</p> <p>25 restructure of our sales team, Jennifer began reporting</p>
<p style="text-align: right;">18</p> <p>1 A. Our compensation team sets them.</p> <p>2 Q. And how are those set, if you know?</p> <p>3 A. They are set based on the revenue generated by</p> <p>4 a specific -- excuse me -- a specific set of customers,</p> <p>5 plus a stretch goal to ensure that we are growing</p> <p>6 revenue for the company.</p> <p>7 Q. So I think I have the attributes that you</p> <p>8 measure for your direct reports as attainment, call</p> <p>9 activity, pricing activity, coaching interactions, and</p> <p>10 holding people accountable.</p> <p>11 Do you just use -- measure those</p> <p>12 attributes for your direct reports -- let me rephrase</p> <p>13 that.</p> <p>14 How do you know to measure those specific</p> <p>15 attributes? Personal experience? Were you trained?</p> <p>16 Did you just make them up? Do you see other people</p> <p>17 doing it? Something else?</p> <p>18 MR. BABCOCK: Object to --</p> <p>19 A. I'm sorry. Could you rephrase the question?</p> <p>20 Q. Yeah. How do you know the attributes that you</p> <p>21 listed are attributes that should be measured for your</p> <p>22 direct reports?</p> <p>23 A. Sure. There is a direct correlation between</p> <p>24 those activities and success in the role.</p> <p>25 Q. And you know those directly correlate to</p>	<p style="text-align: right;">20</p> <p>1 to me as a district sales manager in June of 2017.</p> <p>2 Q. Do you know Ms. Harris's role at FedEx prior to</p> <p>3 June '17?</p> <p>4 A. No.</p> <p>5 Q. Did you know that she had a previous managerial</p> <p>6 role prior to being on your team?</p> <p>7 A. I did.</p> <p>8 Q. How did you know that?</p> <p>9 A. I knew she had a managerial role. I won't</p> <p>10 claim to know -- to recall the title, nor would I know</p> <p>11 of her key responsibilities.</p> <p>12 Q. Do you know how long she had a managerial role</p> <p>13 prior to your team?</p> <p>14 A. I do not recall.</p> <p>15 Q. Did you know at the time how long she had</p> <p>16 worked at FedEx?</p> <p>17 MR. BABCOCK: What time?</p> <p>18 Q. At the time that Ms. Harris reported to you in</p> <p>19 June 2017, did you know how long Ms. Harris had worked</p> <p>20 at FedEx?</p> <p>21 A. I did. I don't recall how long at this</p> <p>22 particular moment.</p> <p>23 Q. In the 2017 to 2020 time frame, what did --</p> <p>24 what was your understanding of Ms. Harris's</p> <p>25 performance -- job performance at FedEx prior to being</p>

5 (Pages 17 to 20)

Osteen & Associates Reporting Services
817-498-9990

Appx-848

Michelle Lamb - 4/27/2022

<p style="text-align: right;">21</p> <p>1 on your team?</p> <p>2 MR. BABCOCK: Object to the form.</p> <p>3 A. I wouldn't be able to speak to that.</p> <p>4 Q. You didn't know if she had good performance</p> <p>5 reviews or bad performance reviews?</p> <p>6 A. I knew that she had had promotions to get to</p> <p>7 where she was, but I could not speak to any specifics to</p> <p>8 her performance prior to reporting to myself.</p> <p>9 Q. And so if an employee of FedEx is getting</p> <p>10 promotions, what does that tell you about their</p> <p>11 performance?</p> <p>12 A. Means that they performed their job to the</p> <p>13 expectations of that particular position, probably were</p> <p>14 very successful.</p> <p>15 Q. Have you ever seen FedEx promote someone who</p> <p>16 was a low performer?</p> <p>17 A. I have not.</p> <p>18 Q. Did you know if Ms. Harris had received any</p> <p>19 discipline prior to being on your team? Performance</p> <p>20 discipline, like a write-up or an action plan.</p> <p>21 A. I recall seeing a communication in her file</p> <p>22 that was -- would have been considered a documented</p> <p>23 discussion, documented email. That happened prior to</p> <p>24 her reporting to me. But that's all I can recall at</p> <p>25 this moment.</p>	<p style="text-align: right;">23</p> <p>1 A. Yes.</p> <p>2 Q. And they were peers of Ms. Harris, true?</p> <p>3 A. Yes.</p> <p>4 Q. Richard Holley, what was his race -- or what is</p> <p>5 his race?</p> <p>6 A. He is a white male.</p> <p>7 Q. Brian Golden?</p> <p>8 A. White male.</p> <p>9 Q. Jaime Golden-McElroy?</p> <p>10 A. White female.</p> <p>11 Q. Casey Millner?</p> <p>12 A. He's a white male.</p> <p>13 Q. Brian Conrey?</p> <p>14 A. White male.</p> <p>15 Q. Brian Hickman?</p> <p>16 A. White male.</p> <p>17 Q. Matt Wheeler?</p> <p>18 A. He's a white male.</p> <p>19 Q. Rebecca Callahan?</p> <p>20 A. White female.</p> <p>21 Q. Was Jennifer Harris the only African American</p> <p>22 or black employee on your team in 2017 to 2020?</p> <p>23 A. Yes, she was.</p> <p>24 Q. Did you have any other non-white employees from</p> <p>25 2017 to 2020?</p>
<p style="text-align: right;">22</p> <p>1 Q. And what do you remember about this documented</p> <p>2 discussion? The facts surrounding it? Who sent it?</p> <p>3 The time frame?</p> <p>4 A. Without looking at the document at this moment,</p> <p>5 I would not be comfortable telling you what it said.</p> <p>6 Q. In 2017, could you list off your direct</p> <p>7 reports, the names of them? So one was Jennifer Harris.</p> <p>8 Who were the others?</p> <p>9 A. Brian Hickman, Brian Conrey, Rebecca Callahan.</p> <p>10 Forgive me, this goes back several years. I had Brian</p> <p>11 Golden, Jaime Golden-McElroy, Richard Holley. And</p> <p>12 there's one other in Houston. I'm drawing a blank.</p> <p>13 Q. Casey Millner?</p> <p>14 A. No.</p> <p>15 Q. Matt Wheeler?</p> <p>16 A. No.</p> <p>17 Q. Who are those two people?</p> <p>18 A. They were added to the team.</p> <p>19 Q. When did they come to the team?</p> <p>20 A. I couldn't tell you the exact dates, but they</p> <p>21 were hired in after I was managing director.</p> <p>22 Q. Like 2018 or 2019? Do you remember which year?</p> <p>23 A. Not without looking at my records, I don't.</p> <p>24 Q. They were -- but they were there at the time</p> <p>25 Ms. Harris worked there under you?</p>	<p style="text-align: right;">24</p> <p>1 A. Not as direct reports.</p> <p>2 Q. Currently, what is the racial makeup of your</p> <p>3 direct reports?</p> <p>4 A. In my position in worldwide?</p> <p>5 Q. Yes.</p> <p>6 A. I have seven sales managers, as I mentioned</p> <p>7 before. Let's see. One Hispanic male. I've got --</p> <p>8 let's see. I believe the remainder are probably white</p> <p>9 males and females.</p> <p>10 Q. You said "probably." You're not sure?</p> <p>11 A. I would just need to check their -- how they</p> <p>12 have identified themselves in our Workday system. But,</p> <p>13 yes, I believe that the remainder are white males and</p> <p>14 white females.</p> <p>15 Q. So you do not have any African American or</p> <p>16 black employees reporting to you currently?</p> <p>17 A. No, I do not.</p> <p>18 Q. Since Jennifer Harris, have you had an African</p> <p>19 American or black employee report to you?</p> <p>20 A. No, I have not.</p> <p>21 Q. And currently do you have anyone reporting to</p> <p>22 you that is over the age of 50?</p> <p>23 A. Yes, I do.</p> <p>24 Q. How many?</p> <p>25 A. I believe two. I hesitate because I've not set</p>

6 (Pages 21 to 24)

Osteen & Associates Reporting Services
817-498-9990

Appx-849

Michelle Lamb - 4/27/2022

<p style="text-align: right;">25</p> <p>1 their -- their birthdays to memory, but I believe that</p> <p>2 there are two of seven in my current team that are over</p> <p>3 50.</p> <p>4 Q. As a manager, have you ever had any direct</p> <p>5 reports make a complaint about you at FedEx?</p> <p>6 A. As a manager? No.</p> <p>7 Q. Well, did Jennifer Harris make a complaint</p> <p>8 about you?</p> <p>9 A. As a director, yes.</p> <p>10 Q. Okay. Let me clarify. At any of your roles</p> <p>11 where you held managerial responsibilities.</p> <p>12 With that understanding, have any of your</p> <p>13 direct reports made complaints about you?</p> <p>14 A. Yes.</p> <p>15 Q. All right. Who were they?</p> <p>16 A. Jennifer Harris and Richard Holley.</p> <p>17 Q. Anybody prior to those two people?</p> <p>18 A. No.</p> <p>19 Q. And none since?</p> <p>20 A. No.</p> <p>21 Q. What is your understanding of Richard</p> <p>22 Holley's --</p> <p>23 MS. SANFORD: Yes?</p> <p>24 MR. BABCOCK: I'm sorry. I think that was</p> <p>25 a double negative, so I'll object to that --</p>	<p style="text-align: right;">27</p> <p>1 A. Yes.</p> <p>2 Q. What were the results that you were told?</p> <p>3 A. I was told that the investigation resulted in</p> <p>4 no findings of unfair treatment.</p> <p>5 Q. Were you told -- HR seems to be using the words</p> <p>6 "substantiated" or "not substantiated."</p> <p>7 Were you told that his claims were not</p> <p>8 substantiated?</p> <p>9 MR. BABCOCK: Object to the form.</p> <p>10 A. I don't recall that terminology specifically.</p> <p>11 Q. Did you receive any coaching because of</p> <p>12 Mr. Holley's complaints?</p> <p>13 A. Yes, I did.</p> <p>14 Q. What coaching did you receive?</p> <p>15 A. I was coached by my VP, Dave Russell, on the</p> <p>16 format of a meeting that took place with Richard</p> <p>17 Holley's team in which Richard was not present. And I</p> <p>18 was advised to not perform those types of meetings in</p> <p>19 the future.</p> <p>20 Q. So what was wrong about the meeting or -- what</p> <p>21 was the type of meeting -- let me see if I can phrase</p> <p>22 this better.</p> <p>23 I guess, what was wrong with the meeting?</p> <p>24 Why did it change? Was it because Mr. Holley wasn't</p> <p>25 there? Because of what you said?</p>
<p style="text-align: right;">26</p> <p>1 MS. SANFORD: Okay.</p> <p>2 MR. BABCOCK: -- about complaints since</p> <p>3 Holley and Harris. The way you phrased that and the way</p> <p>4 she answered I think were a double negative.</p> <p>5 MS. SANFORD: Oh, I understand.</p> <p>6 Q. You don't have any other complaints besides</p> <p>7 Richard Holley and Jennifer Harris that you know of,</p> <p>8 true?</p> <p>9 A. True.</p> <p>10 Q. What is your understanding of Richard Holley's</p> <p>11 complaints against you?</p> <p>12 A. My understanding is that Richard Holley felt I</p> <p>13 was discriminating against him.</p> <p>14 Q. On what basis?</p> <p>15 A. Based on age.</p> <p>16 Q. Was there, like, an HR investigation at FedEx</p> <p>17 surrounding Mr. Holley's complaints about you?</p> <p>18 MR. BABCOCK: Object to the form.</p> <p>19 Q. That you know of?</p> <p>20 A. Yes.</p> <p>21 Q. And were you interviewed as a part of those</p> <p>22 investigations or that investigation?</p> <p>23 A. Yes, I was.</p> <p>24 Q. Were you told the results of that</p> <p>25 investigation?</p>	<p style="text-align: right;">28</p> <p>1 A. Mr. Holley wasn't there.</p> <p>2 Q. Okay. And so in the future, what were you</p> <p>3 instructed to do?</p> <p>4 A. I was instructed not to conduct meetings of</p> <p>5 that form.</p> <p>6 Q. I am a little confused. So in the future, all</p> <p>7 meetings have to be with Richard Holley, or only certain</p> <p>8 types of meetings have to be with Richard Holley</p> <p>9 included? What's the form that has to change?</p> <p>10 A. The fact that Richard Holley was not included</p> <p>11 in the meeting was something that I should discontinue.</p> <p>12 So in the future, I have a meeting with Richard Holley's</p> <p>13 team, he would be in the room.</p> <p>14 Q. Okay. So what type of meeting was this?</p> <p>15 A. It was -- call it a "touch-base meeting" to</p> <p>16 have an open conversation with the team of what's going</p> <p>17 well, what's not going well, and any feedback that they</p> <p>18 might want to bring to a director.</p> <p>19 Q. So you were meeting with Mr. Holley's direct</p> <p>20 reports without Mr. Holley?</p> <p>21 A. That's correct.</p> <p>22 Q. And this is an in-person meeting? This is</p> <p>23 pre-COVID?</p> <p>24 A. Yes, that's correct.</p> <p>25 Q. What is your understanding of the complaints</p>

7 (Pages 25 to 28)

Michelle Lamb - 4/27/2022

<p style="text-align: right;">29</p> <p>1 Ms. Harris brought about you?</p> <p>2 A. My understanding is Ms. Harris felt that she</p> <p>3 was treated unfairly.</p> <p>4 Q. Were you told any specifics of why she thought</p> <p>5 she was being treated unfairly?</p> <p>6 A. She felt that I wasn't treating her the same as</p> <p>7 her peers. That pretty much summarizes what I was told.</p> <p>8 Q. Were you told it was because of her race that</p> <p>9 she felt she was being treated unfairly?</p> <p>10 A. Initially I don't recall seeing race as a</p> <p>11 factor. Just unfair treatment.</p> <p>12 Q. Were you told it was a discrimination</p> <p>13 complaint?</p> <p>14 A. I don't recall that word being used.</p> <p>15 Q. Do you recall retaliation complaint?</p> <p>16 A. Yes.</p> <p>17 Q. And what was your understanding of a</p> <p>18 retaliation complaint?</p> <p>19 A. Jennifer had made some allegations against me</p> <p>20 and shortly thereafter was issued some performance</p> <p>21 feedback, disciplinary action. And she felt that that</p> <p>22 was done in retaliation for her complaint.</p> <p>23 Q. So the timeline is Jennifer Harris makes a</p> <p>24 complaint about you; she's written up or gets a</p> <p>25 disciplinary action, and then -- immediately after; and</p>	<p style="text-align: right;">31</p> <p>1 Q. Okay. So which attributes are you speaking</p> <p>2 about that Ms. Harris needed improvement on?</p> <p>3 MR. BABCOCK: Object to the form.</p> <p>4 A. Number one, performance, attainment.</p> <p>5 Q. So that's sales goals? She wasn't meeting her</p> <p>6 sales goals?</p> <p>7 A. That's correct.</p> <p>8 Q. And meeting your sales goals is pretty</p> <p>9 important to FedEx for people in the sales department,</p> <p>10 true?</p> <p>11 MR. BABCOCK: Object to the form.</p> <p>12 A. True.</p> <p>13 Q. Was she having any issues with call activity?</p> <p>14 MR. BABCOCK: Object to the form.</p> <p>15 A. I do not recall call numbers being an issue. I</p> <p>16 would further say probably call quality, but call</p> <p>17 numbers were not an issue.</p> <p>18 Q. So are you -- were you addressing your concerns</p> <p>19 with her call quality?</p> <p>20 A. Yes, yes.</p> <p>21 Q. And what were those concerns? What did you</p> <p>22 tell her?</p> <p>23 A. Quality sales calls typically will result in</p> <p>24 pricing activity, opportunities uncovered, and the other</p> <p>25 activities that I mentioned that lead to performance.</p>
<p style="text-align: right;">30</p> <p>1 so then she complains about retaliation. True?</p> <p>2 MR. BABCOCK: Object to the form.</p> <p>3 A. That's my understanding.</p> <p>4 Q. Prior to her making a complaint about you, had</p> <p>5 she received any disciplinary action from you?</p> <p>6 MR. BABCOCK: Object to form.</p> <p>7 A. Not official disciplinary action; however, we</p> <p>8 had had multiple conversations on performance concerns.</p> <p>9 Q. Just oral conversations?</p> <p>10 A. That's correct. I retract. There were email</p> <p>11 conversations as well.</p> <p>12 Q. But no documented discipline prior to</p> <p>13 Ms. Harris complaining about you of unfair treatment,</p> <p>14 true?</p> <p>15 A. Correct.</p> <p>16 Q. What were some of these -- or could you</p> <p>17 describe to me or to the jury, prior to documented</p> <p>18 discipline, these oral and sometimes email discussions</p> <p>19 you were having about Ms. Harris's performance?</p> <p>20 MR. BABCOCK: Object to the form.</p> <p>21 A. Generally speaking, our written and verbal</p> <p>22 coaching conversations centered around performance</p> <p>23 metrics, and they also centered around some of the</p> <p>24 activities that I previously referenced as being</p> <p>25 critical indicators of long-term success.</p>	<p style="text-align: right;">32</p> <p>1 Q. Sorry. Could you explain that to me?</p> <p>2 A. Yes. A productive, well-planned sales call</p> <p>3 will lead to the uncovering of opportunities, the need</p> <p>4 to input pricing into our system, and ultimately will</p> <p>5 lead to closed business.</p> <p>6 Q. And so what was Ms. Harris not doing?</p> <p>7 MR. BABCOCK: Object --</p> <p>8 A. Closing business.</p> <p>9 Q. Did Ms. Harris have problems with pricing</p> <p>10 activity?</p> <p>11 MR. BABCOCK: Object to the form.</p> <p>12 A. Yes.</p> <p>13 Q. What were those problems?</p> <p>14 A. There was not adequate call activity generated</p> <p>15 by her team to impact her performance.</p> <p>16 Q. So that sounds the same thing as the call</p> <p>17 activity.</p> <p>18 How is call activity different from</p> <p>19 pricing activity?</p> <p>20 A. They're quite closely related from a standpoint</p> <p>21 of if you execute a great call, you're going to find an</p> <p>22 opportunity, and that opportunity will result in a need</p> <p>23 to input pricing for a customer.</p> <p>24 Q. So if Ms. Harris is not -- or an employee is</p> <p>25 not doing good at call activity, they're also by default</p>

8 (Pages 29 to 32)

Michelle Lamb - 4/27/2022

<p style="text-align: right;">33</p> <p>1 not going to do well at pricing activity, true?</p> <p>2 MR. BABCOCK: Object to the form.</p> <p>3 A. It depends, but ...</p> <p>4 Q. Could you tell me a scenario where if an</p> <p>5 employee is doing poorly at call activity, they would</p> <p>6 still do well at pricing activity?</p> <p>7 A. No.</p> <p>8 Q. You can't think of any scenario, true?</p> <p>9 A. Unless they're putting pricing in unnecessarily</p> <p>10 to inflate numbers, then that's true.</p> <p>11 Q. I think one of the attributes you mentioned was</p> <p>12 coaching interactions that you measured.</p> <p>13 Was Ms. Harris -- did she have problems</p> <p>14 with coaching interactions, according to you?</p> <p>15 MR. BABCOCK: Object to the form.</p> <p>16 A. Not from a quantity perspective.</p> <p>17 Q. Any other perspective did she have problems?</p> <p>18 A. Not having sat in on her coaching conversations</p> <p>19 with her team, I wouldn't be able to answer that</p> <p>20 question further.</p> <p>21 Q. Okay. So these coaching interactions are</p> <p>22 Harris coaching her direct reports?</p> <p>23 A. Correct.</p> <p>24 Q. And that's what you measure as a part of</p> <p>25 Ms. Harris's performance, true?</p>	<p style="text-align: right;">35</p> <p>1 MR. BABCOCK: Object to the form.</p> <p>2 A. I received a complaint that oftentimes</p> <p>3 Jennifer's coaching conversations took place late in the</p> <p>4 day and sometimes even extended into the evening.</p> <p>5 That's the only complaint that I recall about her</p> <p>6 specific coaching interactions with her team.</p> <p>7 Q. And was that just one complaint or numerous</p> <p>8 complaints?</p> <p>9 A. That came up in a group conversation with her</p> <p>10 team, but one individual mentioned it.</p> <p>11 Q. Who was that individual?</p> <p>12 A. That was -- you know what? I'm not going to</p> <p>13 guess. I have it in my notes, and I'd like to refer to</p> <p>14 those before naming the individual. But I do have</p> <p>15 record of who said it.</p> <p>16 Q. Okay. So the only complaint about Ms. Harris's</p> <p>17 coaching interaction with her team was this one person</p> <p>18 saying she met with her team too late in the afternoon</p> <p>19 and sometimes extended into the evening, true?</p> <p>20 A. No. As a matter of fact, there was another</p> <p>21 complaint from an individual who said that their</p> <p>22 coaching conversations were not strategic in nature.</p> <p>23 Q. Do you remember who said that?</p> <p>24 A. That was Steve Whaley.</p> <p>25 Q. How do you spell that last name?</p>
<p style="text-align: right;">34</p> <p>1 A. Yes.</p> <p>2 Q. So, objectively speaking, Ms. Harris was</p> <p>3 meeting with her team the appropriate amount of times,</p> <p>4 true?</p> <p>5 MR. BABCOCK: Object to the form.</p> <p>6 A. I believe so.</p> <p>7 Q. And you did not sit in on any of the</p> <p>8 interactions with her team, true, those coaching</p> <p>9 interactions?</p> <p>10 A. I -- I sat in on a couple but certainly not the</p> <p>11 majority.</p> <p>12 Q. The ones you sat in on, did you find any</p> <p>13 problems with?</p> <p>14 A. No.</p> <p>15 Q. Did anybody report to you any problems of her</p> <p>16 coaching interactions with her team?</p> <p>17 A. No.</p> <p>18 Q. As far as you know, there were no quality</p> <p>19 concerns of Ms. Harris's coaching interactions with her</p> <p>20 team?</p> <p>21 MR. BABCOCK: Object to the form.</p> <p>22 A. Could you repeat the question?</p> <p>23 Q. So as far as you know, there were no quality or</p> <p>24 quantity concerns of Ms. Harris meeting with her team</p> <p>25 for these coaching interactions?</p>	<p style="text-align: right;">36</p> <p>1 A. W-h-a-l-e-y.</p> <p>2 Q. Was this in the same meeting or a different</p> <p>3 meeting?</p> <p>4 A. No, this was a different meeting.</p> <p>5 Q. One-on-one or a group meeting?</p> <p>6 A. One-on-one.</p> <p>7 Q. Is this meeting documented anywhere?</p> <p>8 A. I don't recall. It was an informal meeting</p> <p>9 where Steve and I happened to see each other at an</p> <p>10 office, and we engaged in a conversation in which he</p> <p>11 provided me with that feedback.</p> <p>12 Q. And do you remember about what time this was?</p> <p>13 2017? 2018?</p> <p>14 A. 2018.</p> <p>15 Q. And the other person who said sometimes she</p> <p>16 starts her meetings late in the day, when was that?</p> <p>17 2018 as well?</p> <p>18 A. I'm going to say that was 2019. I would have</p> <p>19 to check my notes to confirm.</p> <p>20 Q. No other complaints besides those two?</p> <p>21 MR. BABCOCK: Object to the form.</p> <p>22 A. Correct.</p> <p>23 Q. I think the last of the attributes you told me</p> <p>24 that you measure was holding people accountable.</p> <p>25 Did you see Ms. Harris have problems in</p>

9 (Pages 33 to 36)

Michelle Lamb - 4/27/2022

<p style="text-align: right;">37</p> <p>1 that category?</p> <p>2 MR. BABCOCK: Object --</p> <p>3 A. Yes, I did.</p> <p>4 Q. What were those problems?</p> <p>5 A. As a team that was underperforming, I did not</p> <p>6 see evidence of -- let me say I did not see sufficient</p> <p>7 evidence of coaching, individuals moving towards, you</p> <p>8 know, PIP plans, performance improvement plans. Didn't</p> <p>9 see evidence of that except for with one individual by</p> <p>10 the name of Tom Seagraves.</p> <p>11 Q. So Ms. Harris did put one of her direct reports</p> <p>12 on a performance improvement plan?</p> <p>13 A. Yes, she put one on a performance improvement</p> <p>14 plan on her own. She eventually put a second on a</p> <p>15 performance improvement plan after I told her that she</p> <p>16 needed to move forward or I was going to do it for her.</p> <p>17 Q. Okay. So you think her team -- or you thought</p> <p>18 her team was underperforming and more people besides Tom</p> <p>19 Seagraves and this other individual should have been on</p> <p>20 performance improvement plans?</p> <p>21 A. Yes.</p> <p>22 Q. Who was the other individual besides Tom</p> <p>23 Seagraves?</p> <p>24 A. Laura Segovia.</p> <p>25 Q. Who else on Ms. Harris's team did you think</p>	<p style="text-align: right;">39</p> <p>1 Q. Did you see other district sales managers at</p> <p>2 that time that Ms. Harris worked there need to put their</p> <p>3 sales reps on performance improvement plans?</p> <p>4 A. Nowhere near to the extent that Jennifer had a</p> <p>5 need.</p> <p>6 Q. Okay. So there are about -- there are eight</p> <p>7 district sales managers, and the only one that needs to</p> <p>8 put the majority of the sales rep team on performance</p> <p>9 improvement plans is Jennifer Harris, true?</p> <p>10 MR. BABCOCK: Objection.</p> <p>11 A. Just to clarify, I -- the majority of the team</p> <p>12 needed some specific help and items for coaching</p> <p>13 purposes. I'm not saying that they all needed to be on</p> <p>14 a performance improvement plan, but they definitely</p> <p>15 needed some strong coaching and guidance from Jennifer.</p> <p>16 Q. Okay. So I think earlier you said the majority</p> <p>17 of the team should have been on a performance</p> <p>18 improvement plan.</p> <p>19 Are you saying the majority of the team</p> <p>20 did not need to be on a performance improvement plan</p> <p>21 now?</p> <p>22 MR. BABCOCK: Object to the form.</p> <p>23 A. They needed to be coached by Jennifer on</p> <p>24 specific activities to improve their performance. Some</p> <p>25 of them probably should have been on a performance</p>
<p style="text-align: right;">38</p> <p>1 should have been on a performance improvement plan?</p> <p>2 MR. BABCOCK: Object to form.</p> <p>3 A. I would say the majority of her team, based on</p> <p>4 performance, needed to have some form of formal coaching</p> <p>5 for improvement, and I did not see evidence of that.</p> <p>6 Q. Is that unusual for a district sales manager to</p> <p>7 have -- to need that many --</p> <p>8 A. Yes.</p> <p>9 Q. -- reps on a --</p> <p>10 MR. BABCOCK: Ms. Lamb, you need to let</p> <p>11 Ms. Sanford finish her question, okay, even though you</p> <p>12 know where she might be going, just so the court</p> <p>13 reporter can get everything down, again. Okay?</p> <p>14 THE WITNESS: I apologize.</p> <p>15 MR. BABCOCK: It's fine. It's --</p> <p>16 A. Please repeat your question.</p> <p>17 MR. BABCOCK: It's a unique process you're</p> <p>18 going through.</p> <p>19 Q. Sure. I know it's a little artificial, the</p> <p>20 questions. It's not like a normal conversation. The --</p> <p>21 let me think of my question. Oh.</p> <p>22 Was it unusual that a district sales</p> <p>23 manager would need so many sales representatives on a</p> <p>24 performance improvement plan?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">40</p> <p>1 improvement plan that were not.</p> <p>2 Q. In 20- -- while Ms. Harris was a district sales</p> <p>3 manager at FedEx, did you think the majority of her team</p> <p>4 should have been on a performance improvement plan?</p> <p>5 MR. BABCOCK: Object to the form.</p> <p>6 A. They needed to be coached for their performance</p> <p>7 deficiencies. Whether that's a formal plan or a</p> <p>8 coaching conversation that results in improved</p> <p>9 performance, at the end of the day their performance</p> <p>10 needed to improve and was not improving.</p> <p>11 MS. SANFORD: We've been going for about</p> <p>12 an hour. Is it okay to take a five-minute break?</p> <p>13 MR. BABCOCK: Yes.</p> <p>14 THE WITNESS: Yes.</p> <p>15 THE REPORTER: Off the record at 9:29.</p> <p>16 (Recess taken from 9:29 to 9:36.)</p> <p>17 THE REPORTER: Back on the record at 9:36.</p> <p>18 Q. Ms. Lamb, I want to talk to you about the</p> <p>19 process of moving accounts from one district manager to</p> <p>20 another district manager.</p> <p>21 A. Okay.</p> <p>22 Q. Can you tell me just generally how that process</p> <p>23 happens?</p> <p>24 MR. BABCOCK: Object to the form.</p> <p>25 A. Typically it happens when there is a need to</p>

10 (Pages 37 to 40)

Michelle Lamb - 4/27/2022

<p style="text-align: right;">41</p> <p>1 balance head count and revenue responsibility amongst a 2 team. 3 Q. So could you give me an example of a scenario 4 that you're describing? 5 A. Hypothetically, if one manager has 6 significantly higher revenue responsibility in their 7 territory versus another, the decision may be made to 8 either move a specific geography or specific account 9 executives to help create balance because we want to 10 make sure that there's fairness throughout a sales 11 organization. 12 Q. So typically does that -- so an account always 13 speaks to a sales representative? A customer talks to 14 the sales representative before they talk to a district 15 sales manager, true? 16 A. I'm sorry. Could you repeat that question? 17 Q. Yeah. The front-line sales representative is 18 the direct communication person with an account, a 19 customer, true? 20 A. True. 21 Q. So a customer is attached to a sales 22 representative, right? 23 A. Yes. 24 Q. And that could be -- it's based on territory 25 usually, location?</p>	<p style="text-align: right;">43</p> <p>1 MR. BABCOCK: Object to form. 2 A. It may be that a ZIP code is moved from one 3 district to another. It may be that several ZIP codes 4 are moved. It may be that a sales professional and ZIP 5 codes are moved. It varies depending on the need of the 6 organization. 7 Q. Which of those scenarios would you say is the 8 most common? 9 MR. BABCOCK: Object to the form. 10 A. I wouldn't want to guess. 11 Q. Who is making these -- how would you classify 12 it? Is this a movement? A realignment? What's the 13 terminology? 14 A. Realignment is typically the terminology we 15 use. 16 Q. Who is making the decision to realign a 17 territory or a ZIP code or a sales professional? 18 MR. BABCOCK: Object to the form. 19 A. Our VPA, our vice president analyst, is 20 typically responsible for those types of -- of moves. 21 Q. So back in 2017 to 2020, was there one specific 22 VP analyst who was making those decisions for field 23 sales? 24 A. Yes. 25 Q. Who was that?</p>
<p style="text-align: right;">42</p> <p>1 A. Correct. In field sales, it is based on 2 geography, ZIP code alignment. 3 Q. And just to take it a little bit further, the 4 ZIP code alignment of a customer, of a customer's 5 headquarters, true? 6 A. True. 7 Q. So for Ms. Harris, do you remember her 8 territory, her geographic region that her ZIP codes fell 9 in? 10 A. I don't remember all of the ZIP codes -- 11 Q. Sure. 12 A. -- if that's the question. 13 Q. Just, like, her general territory. 14 A. Yes. 15 Q. What was it? 16 A. She had northern Houston suburbs, I'll say. 17 Q. All right. So if you need to move an account 18 from one district sales manager's team to another, do 19 you just move the account, or do you move the sales 20 representative with the account? How does that process 21 work? 22 MR. BABCOCK: Object to form. 23 A. It depends. 24 Q. What are the different scenarios? Could you 25 walk me through some of them or all of them?</p>	<p style="text-align: right;">44</p> <p>1 A. Her name was Karen James. 2 Q. Structurally, like, if I was looking at an 3 organizational chart, how would she compare to you? Is 4 she your peer? Is she a dotted-line report? Or what's 5 your connection to the VP analyst? 6 A. She reports directly to the vice president. 7 And as for my time in field sales, she reported to Dave 8 Russell. 9 Q. Does that classify her as a peer to you? 10 A. No. 11 Q. No? Okay. 12 So you have the same direct -- the same 13 boss? You are directly reporting to the same person, 14 but she is not a peer? 15 A. No, she is not a director. 16 Q. But looking at an organizational chart, you-all 17 would be on the same line, right? You both directly 18 report to the same person, if that makes sense? 19 MR. BABCOCK: Object to form. 20 A. We directly report to the same person, correct. 21 Q. Do you have any communication with the VP 22 analyst or any input on the alignment of the -- your 23 district territories? 24 MR. BABCOCK: Object to the form. 25 A. Yes. If the VP analyst makes a recommendation</p>

11 (Pages 41 to 44)

Michelle Lamb - 4/27/2022

<p style="text-align: right;">45</p> <p>1 that I don't agree with, it would be a conversation.</p> <p>2 Q. Can you make recommendations to the VP analyst;</p> <p>3 say, Hey, I think this should be realigned?</p> <p>4 A. I can.</p> <p>5 Q. Have you ever done that before?</p> <p>6 A. Yes.</p> <p>7 Q. How often do you make recommendations versus</p> <p>8 the VP analyst making recommendations on her own?</p> <p>9 A. I would say the vast majority of the</p> <p>10 recommendations come from a VP analyst, and a smaller</p> <p>11 percentage would be a recommendation from me.</p> <p>12 Q. All right. So let's talk about the scenario --</p> <p>13 I'm going to share my screen and write this out because</p> <p>14 I'm a visual person. Let's see.</p> <p>15 Can you see that? Just a piece of paper.</p> <p>16 A. Yes.</p> <p>17 Q. Okay. How do you spell your first name?</p> <p>18 A. M-i-c-h-e-l-l-e.</p> <p>19 Q. And it's L-a-m-b, as in boy?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. If your -- the process for moving -- all</p> <p>22 right. So you have a district manager. Do you-all call</p> <p>23 those "DSMs," for short?</p> <p>24 A. Yes.</p> <p>25 Q. As a sales rep and a customer -- do you call</p>	<p style="text-align: right;">47</p> <p>1 A. Conrey.</p> <p>2 Q. Conrey. Thank you.</p> <p>3 A. C-o-n-r-e-y.</p> <p>4 Q. And the sales rep that went with BJ Services,</p> <p>5 is that Jennifer Garcia?</p> <p>6 A. Yes.</p> <p>7 Q. Sorry. Was that a yes?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 A. Along with the other accounts Jennifer Garcia</p> <p>11 called on.</p> <p>12 Q. Do you remember the time frame that BJ Services</p> <p>13 and Jennifer Garcia was moved from Jennifer Harris to</p> <p>14 Brian Conrey?</p> <p>15 A. I'm sorry. Would you repeat that?</p> <p>16 Q. Uh-huh. Do you remember around the time frame</p> <p>17 that the BJ Services account and Jennifer Garcia as a</p> <p>18 sales rep was moved from Jennifer Harris's team to Brian</p> <p>19 Conrey's team?</p> <p>20 A. Not without referring to my notes.</p> <p>21 Q. Was this before Jennifer Harris made a</p> <p>22 complaint about you or after?</p> <p>23 MR. BABCOCK: Object to the form.</p> <p>24 A. I believe it was before.</p> <p>25 Q. Okay. And for the -- this BJ Services account,</p>
<p style="text-align: right;">46</p> <p>1 them "customers" or "accounts"?</p> <p>2 A. We actually refer to them as either.</p> <p>3 Q. Okay. Either.</p> <p>4 So this scenario where a customer and the</p> <p>5 sales rep is going to move from one district manager to</p> <p>6 a new direct manager, in this scenario, what happens to</p> <p>7 the sales goals of the former versus the new district</p> <p>8 manager? How does that work?</p> <p>9 A. The inheriting or the new district manager</p> <p>10 would receive the account revenue and stretch goals</p> <p>11 associated with the account.</p> <p>12 Q. And if -- instead of revenue, if the account or</p> <p>13 the customer has a loss, does the new inheriting manager</p> <p>14 get the loss as well?</p> <p>15 A. Yes.</p> <p>16 Q. And the associated goals with that, or how</p> <p>17 does --</p> <p>18 A. The loss and the goal, a stretch goal.</p> <p>19 Q. Okay. So do you remember an account or a</p> <p>20 customer called "BJ Services"?</p> <p>21 A. Yes, I do.</p> <p>22 Q. Now, that was an account, as I understand it,</p> <p>23 that was moved from Jennifer Harris's department to --</p> <p>24 Brian Conley [sic] was the inheriting district sales</p> <p>25 manager. Is that true?</p>	<p style="text-align: right;">48</p> <p>1 Brian Conrey was originally going to inherit a loss?</p> <p>2 BJ Services was going to be a loss. Is that true?</p> <p>3 A. That is true.</p> <p>4 Q. Do you know about how much of a loss that was</p> <p>5 going to be?</p> <p>6 A. About \$1 million.</p> <p>7 Q. Is 1 million -- is that a lot? Is that</p> <p>8 typical?</p> <p>9 A. It's a large customer.</p> <p>10 Q. Did Brian Conrey receive the loss of</p> <p>11 \$1 million?</p> <p>12 A. No, he did not.</p> <p>13 Q. Who received that loss?</p> <p>14 A. Jennifer Harris.</p> <p>15 Q. Would receiving a loss of \$1 million negatively</p> <p>16 impact your sales performance and goals?</p> <p>17 MR. BABCOCK: Object to the form.</p> <p>18 A. Yes.</p> <p>19 Q. That's a big customer, so this negatively</p> <p>20 impacted Jennifer Harris's performance, true?</p> <p>21 A. It negatively impacted her performance; that is</p> <p>22 true.</p> <p>23 Q. And it's true that in the transfer of the</p> <p>24 BJ Services account, the normal process was not</p> <p>25 followed, true?</p>

12 (Pages 45 to 48)

Osteen & Associates Reporting Services
817-498-9990

Appx-855

Michelle Lamb - 4/27/2022

<p style="text-align: right;">49</p> <p>1 MR. BABCOCK: Object to the form.</p> <p>2 A. That is true.</p> <p>3 Q. Why was the normal process not followed?</p> <p>4 MR. BABCOCK: Object to the form.</p> <p>5 A. Because initially Jennifer Harris was overpaid</p> <p>6 on BJ Services due to a discount issue that took place</p> <p>7 with the account.</p> <p>8 Q. So the price of BJ Services was inflated, true?</p> <p>9 A. Yes. BJ Services' revenue activity was</p> <p>10 inflated due to a pricing issue that had initially</p> <p>11 benefited Jennifer Harris.</p> <p>12 Q. And if I tell you that's around 2017, does that</p> <p>13 sound about right?</p> <p>14 A. It sounds about right.</p> <p>15 Q. So 2017, Jennifer Harris receives the benefit</p> <p>16 of a -- of a pricing issue, true?</p> <p>17 A. Yes.</p> <p>18 Q. And that basically means her commissions were</p> <p>19 higher, true?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know why there was a pricing issue and</p> <p>22 the revenue was inflated? Whose fault was that?</p> <p>23 MR. BABCOCK: Object to the form.</p> <p>24 A. There were a variety of factors impacting that,</p> <p>25 one of which was the fact that the account had lost</p>	<p style="text-align: right;">51</p> <p>1 are benefiting just like Garcia and Harris, true?</p> <p>2 A. Without looking at the specific dates, I could</p> <p>3 not answer that.</p> <p>4 Q. Before the mistake is discovered, you are</p> <p>5 benefiting at the same time Garcia and Harris are, true?</p> <p>6 A. True.</p> <p>7 Q. What's the normal process of -- if an employee</p> <p>8 receives too much commissions for a mistake? Do you</p> <p>9 take the commissions away? What do you do?</p> <p>10 A. That employee has the option to request to have</p> <p>11 the revenue removed so that they don't have an inflated</p> <p>12 goal the following year.</p> <p>13 Q. You said they have the option to do that. Is</p> <p>14 there another option?</p> <p>15 A. They can benefit from the goal and, you know,</p> <p>16 deal with the -- they can benefit from the revenue and</p> <p>17 also, on the flip side, have that goal added to their</p> <p>18 numbers the following year.</p> <p>19 Q. And then once the loss is discovered or a</p> <p>20 mistake is discovered, that goal would be too high,</p> <p>21 true?</p> <p>22 MR. BABCOCK: Object to the form.</p> <p>23 A. I'm sorry. Would you -- would you say that</p> <p>24 again?</p> <p>25 Q. If an employee, a district sales manager,</p>
<p style="text-align: right;">50</p> <p>1 pricing due to a spin-off. For a period of about ten</p> <p>2 months, they were without discounts. And it was the</p> <p>3 responsibility of Jennifer Garcia to fix that issue and</p> <p>4 quickly respond by providing discounts to the customer.</p> <p>5 Q. Okay. So Jennifer Garcia made a mistake, and</p> <p>6 it caused Jennifer Harris to benefit in extra</p> <p>7 commissions, true?</p> <p>8 MR. BABCOCK: Object to the form.</p> <p>9 A. Jennifer Garcia also benefited from the extra</p> <p>10 commissions.</p> <p>11 Q. Okay. And this is the same year, 2017, that</p> <p>12 Jennifer Harris received a President's Club award, true?</p> <p>13 A. It was our fiscal year '18.</p> <p>14 Q. Which looks back to 2017?</p> <p>15 A. Correct.</p> <p>16 Q. And you also benefit from this mistake that</p> <p>17 Jennifer Harris did, true? I'm sorry, that Jennifer</p> <p>18 Garcia did?</p> <p>19 MR. BABCOCK: Object to the form.</p> <p>20 A. Me personally?</p> <p>21 Q. Yes.</p> <p>22 A. I -- I experienced the benefit and the loss, so</p> <p>23 it's a neutral for me.</p> <p>24 Q. Sure. But just in 2017 or fiscal year 2018</p> <p>25 looking back, before anyone discovers the mistake, you</p>	<p style="text-align: right;">52</p> <p>1 benefits from a mistake, commissions are high --</p> <p>2 A. Uh-huh.</p> <p>3 Q. -- the following year, the stretch goal is also</p> <p>4 going to be high?</p> <p>5 A. That's correct, which is why they have the</p> <p>6 option of having the inflated goal -- inflated revenue</p> <p>7 removed on the front end --</p> <p>8 Q. And how --</p> <p>9 A. -- so they see that.</p> <p>10 Q. How is a district manager made aware of those</p> <p>11 options?</p> <p>12 A. It's part of our adjustment policy.</p> <p>13 Q. This is not something that you communicate with</p> <p>14 the district sales manager; a district sales manager is</p> <p>15 just supposed to know because it's in a policy?</p> <p>16 A. Yes. They know where to find the policy if</p> <p>17 they have any questions on adjustments.</p> <p>18 Q. Is -- a mistake as large as BJ Services, is</p> <p>19 that unusual, or is that, umm, it just happens</p> <p>20 sometimes?</p> <p>21 MR. BABCOCK: Object to form.</p> <p>22 A. I'd say it's more unusual.</p> <p>23 Q. How often do district sales managers need to</p> <p>24 have their goals adjusted because of mistakes?</p> <p>25 A. I would not be a person who could answer that.</p>

13 (Pages 49 to 52)

Michelle Lamb - 4/27/2022

<p style="text-align: right;">53</p> <p>1 Q. Why are you not that person?</p> <p>2 A. Because I am not on the receiving end of</p> <p>3 adjustments. I wouldn't have that information.</p> <p>4 Q. You don't know the adjustments and the goals of</p> <p>5 your team?</p> <p>6 A. I know for my team.</p> <p>7 Q. Okay.</p> <p>8 A. I don't know in general. I can't speak to</p> <p>9 that.</p> <p>10 Q. Okay. So limiting my question to your team and</p> <p>11 your realm of knowledge, how often does that occur?</p> <p>12 A. I -- I don't want to guess, but I'll just say</p> <p>13 it's -- it's unusual, but it does happen. I couldn't</p> <p>14 give you a number.</p> <p>15 Q. If Jennifer Harris says that she told you,</p> <p>16 confronted you, reported to you unusual activity about</p> <p>17 the pricing of BJ Services prior to this mistake being</p> <p>18 found, does that ring any bells for you?</p> <p>19 A. I remember having multiple conversations on the</p> <p>20 subject of BJ Services.</p> <p>21 Q. Prior to the mistake being found?</p> <p>22 A. Yes.</p> <p>23 Q. With Jennifer Harris?</p> <p>24 A. Yes.</p> <p>25 Q. What is your understanding of why BJ Services</p>	<p style="text-align: right;">55</p> <p>1 who could be moved over to Brian Conrey to create a</p> <p>2 situation where they both had the same amount after that</p> <p>3 move took place.</p> <p>4 Q. So when you're moving -- sorry. When Garcia</p> <p>5 and BJ Services are moved from Jennifer Harris to Brian</p> <p>6 Conrey, is it because Brian Conrey -- excuse me --</p> <p>7 Jennifer Harris had one too many sales representatives</p> <p>8 and Brian Conrey needed an extra sales representative,</p> <p>9 or did it have to do with Jennifer Harris's revenue was</p> <p>10 too high and Conrey's was too low, or was it a</p> <p>11 combination?</p> <p>12 A. It would be a combination.</p> <p>13 Q. And describe that combination for me. So was</p> <p>14 Jennifer --</p> <p>15 A. I'm not following your question.</p> <p>16 Q. Sure. So -- okay. We've discussed head count.</p> <p>17 Jennifer Harris had one too many; Brian Conrey had one</p> <p>18 too few. True?</p> <p>19 A. Yes.</p> <p>20 Q. So revenue. Is it fair to say that Jennifer</p> <p>21 Harris's revenue was too high and Conrey's was too low</p> <p>22 and that's another reason why the service -- the account</p> <p>23 and representative was moved?</p> <p>24 MR. BABCOCK: Object to form.</p> <p>25 A. Correct.</p>
<p style="text-align: right;">54</p> <p>1 and Jennifer Garcia and her other accounts were moved</p> <p>2 from Jennifer Harris's team to Brian Conrey's team?</p> <p>3 A. It was to create better revenue and head count</p> <p>4 balance amongst the managers who reported to me.</p> <p>5 Q. Did you make that recommendation, or did the VP</p> <p>6 analyst make the recommendation?</p> <p>7 A. I believe the VP analyst made that</p> <p>8 recommendation.</p> <p>9 Q. But you don't remember for sure either way?</p> <p>10 A. No.</p> <p>11 Q. So you said -- I'm not sure what the exact</p> <p>12 words were. You wanted to realign the accounts for your</p> <p>13 district sales managers, the revenue, and that's why</p> <p>14 BJ Services and Garcia were moved, right?</p> <p>15 MR. BABCOCK: Object to the form.</p> <p>16 A. Revenue and head count.</p> <p>17 Q. Revenue and head count.</p> <p>18 Head count of what? Who's the head count?</p> <p>19 A. The number of sales professionals who report to</p> <p>20 a manager.</p> <p>21 Q. Okay. So did Jennifer Harris have too many</p> <p>22 sales representatives, or did Brian Conrey have too many</p> <p>23 sales representatives?</p> <p>24 MR. BABCOCK: Object to the form.</p> <p>25 A. Jennifer had one additional sales professional</p>	<p style="text-align: right;">56</p> <p>1 Q. Okay. So BJ Services and Jennifer Garcia get</p> <p>2 moved to Brian Conrey.</p> <p>3 Does 2018 sound about right to you?</p> <p>4 A. It sounds about right.</p> <p>5 Q. And the mistake about the pricing issue with</p> <p>6 BJ Services is discovered under Brian Conrey's team,</p> <p>7 true?</p> <p>8 A. False.</p> <p>9 Q. When was the mistake discovered, or how was it</p> <p>10 discovered?</p> <p>11 MR. BABCOCK: Object to the form.</p> <p>12 A. Jennifer knew of the mistake.</p> <p>13 Q. And -- okay. So if there's a mistake and</p> <p>14 there's going to be a loss, why is it being transferred</p> <p>15 to Brian Conrey if his revenue needs to increase?</p> <p>16 MR. BABCOCK: Object to form.</p> <p>17 A. When you're referring to a "mistake," I am</p> <p>18 interpreting that as the mistake in pricing, which</p> <p>19 Jennifer was well aware of.</p> <p>20 Would you repeat your question?</p> <p>21 Q. Yes. So the mistake in the pricing issue for</p> <p>22 BJ Services, Jennifer reaps the reward in her</p> <p>23 commissions.</p> <p>24 A. Yes.</p> <p>25 Q. The mistake is discovered. That means there's</p>

14 (Pages 53 to 56)

Michelle Lamb - 4/27/2022

<p style="text-align: right;">57</p> <p>1 going to have to be a consequence, right? A loss?</p> <p>2 A. There will be a loss associated with the</p> <p>3 account the following year, correct.</p> <p>4 Q. So if BJ Services and Jennifer Garcia are being</p> <p>5 moved to Brian Conrey's team in part because Brian</p> <p>6 Conrey's revenue needs to increase, why would a loss, a</p> <p>7 large loss, be moved over to Brian Conrey's team?</p> <p>8 MR. BABCOCK: Object to form.</p> <p>9 A. It -- that is not a factor in the decision to</p> <p>10 realign sales professionals and their geography.</p> <p>11 It's -- you know, we're looking at more accounts than</p> <p>12 just the BJ Services. We're talking about every account</p> <p>13 that aligned to Jennifer Garcia at that time.</p> <p>14 Q. Okay. So Jennifer Garcia, all of her accounts</p> <p>15 get moved over to Brian Conrey, and the loss has to be</p> <p>16 accounted for now, this million-dollar loss.</p> <p>17 It's true Brian Conrey goes to you and</p> <p>18 says, Hey, I don't want this loss associated with me and</p> <p>19 my team. That's too high. It should go back to</p> <p>20 Jennifer Harris.</p> <p>21 Right?</p> <p>22 MR. BABCOCK: Object to the form.</p> <p>23 A. Yes.</p> <p>24 Q. Tell me about that conversation.</p> <p>25 A. I told Brian Conrey I would take his concerns</p>	<p style="text-align: right;">59</p> <p>1 to impact her numbers. BJ Services was not her only</p> <p>2 customer.</p> <p>3 Q. But it was a really -- it was a large customer,</p> <p>4 though, true?</p> <p>5 A. It was a large customer, yeah.</p> <p>6 Q. So Jennifer Harris has a really good year in</p> <p>7 2017. She wins an award. And part, because of -- part</p> <p>8 of her goals for the new year are because of inflated</p> <p>9 prices. So her stretch goal is already large, and she</p> <p>10 receives a million-dollar loss.</p> <p>11 And you're saying she has other accounts</p> <p>12 that can make up for it and she can just meet all of her</p> <p>13 goals just like that?</p> <p>14 MR. BABCOCK: Object to the form.</p> <p>15 A. She missed her goals by \$5 million, not 1.</p> <p>16 Q. And what document would show that?</p> <p>17 A. I have multiple documents that would show that.</p> <p>18 Q. If you had to explain to a jury how Jennifer</p> <p>19 Harris missed \$5 million, how would you do that?</p> <p>20 MR. BABCOCK: Object to the form.</p> <p>21 A. I would show them a breakdown of performance</p> <p>22 goals over the course of the year, with specific revenue</p> <p>23 figures attached.</p> <p>24 THE WITNESS: Would it be possible to take</p> <p>25 a quick break?</p>
<p style="text-align: right;">58</p> <p>1 into consideration. I had a conversation with Jennifer</p> <p>2 as well, and she agreed that Brian should not be stuck</p> <p>3 with that goal.</p> <p>4 Q. Brian Conrey -- okay. So make sure I get this</p> <p>5 right in my head. You are the person as managing</p> <p>6 director of field sales to move the million-dollar loss</p> <p>7 from Brian Conrey and his team to Jennifer Harris, true?</p> <p>8 That was your decision?</p> <p>9 MR. BABCOCK: Object to the form.</p> <p>10 A. Yes, that's my decision.</p> <p>11 Q. Okay. If a manager has a -- okay. Let me just</p> <p>12 talk specifically.</p> <p>13 So Jennifer Harris has this</p> <p>14 one-million-dollar loss associated with her team for</p> <p>15 BJ Services but no longer has -- sorry. Let me start</p> <p>16 over.</p> <p>17 Jennifer Harris has this million-dollar</p> <p>18 loss on her team associated with her goals, and her</p> <p>19 stretch goal has already been increased because of the</p> <p>20 inflated price of BJ Services formerly, true?</p> <p>21 A. True.</p> <p>22 Q. So it's going to be hard for Jennifer Harris to</p> <p>23 meet her goals at this point, right?</p> <p>24 MR. BABCOCK: Object to the form.</p> <p>25 A. Jennifer had many other accounts aligned to her</p>	<p style="text-align: right;">60</p> <p>1 MS. SANFORD: Yes.</p> <p>2 THE WITNESS: Okay. Thank you.</p> <p>3 THE REPORTER: Off the record at 10:09.</p> <p>4 (Recess taken from 10:09 to 10:11.)</p> <p>5 THE REPORTER: Back on the record at</p> <p>6 10:11.</p> <p>7 Q. Is there anything you'd like to change or add</p> <p>8 to your answer?</p> <p>9 A. No.</p> <p>10 Q. Okay. When did you start documenting the</p> <p>11 performance issues that you found for Ms. Harris?</p> <p>12 A. I kept very detailed records of all of our</p> <p>13 coaching conversations throughout the time Ms. Harris</p> <p>14 reported to me.</p> <p>15 THE REPORTER: Mr. Babcock, did you</p> <p>16 object?</p> <p>17 MR. BABCOCK: Yeah. I object to the form.</p> <p>18 THE REPORTER: Okay. Thank you.</p> <p>19 MR. BABCOCK: I'm sorry.</p> <p>20 THE REPORTER: That's okay.</p> <p>21 MR. BABCOCK: I had my hand over my face.</p> <p>22 I apologize. Sorry.</p> <p>23 Q. What did these very detailed records look like?</p> <p>24 Were they handwritten records, or were they emails?</p> <p>25 MR. BABCOCK: Object to the form.</p>

15 (Pages 57 to 60)

Osteen & Associates Reporting Services
817-498-9990

Appx-858

Michelle Lamb - 4/27/2022

<p style="text-align: right;">61</p> <p>1 A. A combination. I kept emails, communications, 2 I retained written notes from our conversations, and I 3 also had a very detailed OneNote file. 4 Q. When did you write -- all right. So explain 5 the process of how you started documenting Jennifer 6 Harris's performance issues as you saw them. 7 A. I'm sorry. I'm not understanding the question. 8 I'm sorry. 9 Q. Yes. So before Jennifer Harris -- well, when 10 does Jennifer Harris receive a documented discipline -- 11 documented discipline? 12 MR. BABCOCK: Documented discipline, did 13 you say, Ms. Sanford? 14 MS. SANFORD: Yes. 15 MR. BABCOCK: I'm sorry. There was a 16 hiccup. 17 Object to the form. 18 A. Are you referring to a letter of counseling? 19 Q. Yes. The first time that you wrote Jennifer 20 Harris up. 21 MR. BABCOCK: Object to the form. 22 Q. I think it's called a "letter of counseling" 23 for FedEx. 24 A. Okay. It would have been June of '19. 25 Q. Prior to June 2019, was there any documented</p>	<p style="text-align: right;">63</p> <p>1 Prior to the letter of counseling in June 2 2019, could you describe the performance issues that you 3 saw with Jennifer Harris? 4 A. Yes. There were performance issues with 5 respect to her attainments. There were performance 6 issues with respect to new business closes and a lack of 7 pricing activity. Probably other things that are not 8 coming to mind at this moment. 9 Q. In June 2019, when you write the letter of 10 counseling, is there anything new, or is it basically 11 everything that you already saw and you had talked about 12 with Jennifer Harris and wrote in your OneNote document? 13 MR. BABCOCK: Object to the form. 14 A. I -- it was -- the letter of counseling very 15 much mirrored the coaching conversations I had had with 16 Jennifer up until that point. 17 Q. Could you explain to me what the Pathways 18 Program is? 19 A. Yes. Pathways Program is a program that was 20 designed for some of our high-performing account 21 executives who are located within our inside sales 22 offices. And this program is intended to help them 23 refine their skills so that they can eventually be 24 promoted into a field sales territory. 25 Q. How are account executives chosen for this</p>
<p style="text-align: right;">62</p> <p>1 verbal warning? 2 A. Documented verbal warning? No. There were 3 documented email discussions and coaching conversations 4 that were face-to-face. 5 Q. And how were those face-to-face conversations 6 documented? 7 A. They were documented in OneNote. 8 Q. So your personal computer, you just kept notes 9 of discussions you had with Jennifer Harris? 10 A. That's correct. 11 Q. And the first time that you document discipline 12 in any capacity with FedEx, not just internally with 13 you, is in June 2019 with a letter of counseling; is 14 that right? 15 MR. BABCOCK: Object to the form. 16 A. Would you say that one more time, please? 17 Q. Uh-huh. Prior to June 2019 -- yeah, how can I 18 word that better? 19 Prior to June 2019, you did not give 20 Jennifer Harris any formal documented disciplinary 21 action, true? 22 A. No formal disciplinary action. That's true. 23 Q. So June 2019 occurs, and you give her a letter 24 of counseling. And describe the performance -- okay. 25 So, actually, before that -- excuse me.</p>	<p style="text-align: right;">64</p> <p>1 program? 2 A. I am not a part of that selection process. I 3 would not be able to answer that question. 4 Q. Are district sales managers chosen to attend 5 this program? 6 A. On occasion, district sales managers are 7 encouraged to be visible with those individuals, whether 8 that's face-to-face or on the phone, in hopes of, you 9 know, enticing those individuals to promote to their 10 specific districts. 11 Q. So a district -- if a district sales manager 12 goes to a Pathways Program, they are there to encourage 13 the attendees to come be part of their team or to come 14 show them what it's like to be in field sales; is that 15 right? 16 A. Yes, to show them what it's like to be in field 17 sales and to speak to the responsibilities that they 18 would be taking on after they are promoted. 19 Q. So it sounds like if a district sales manager 20 is invited to go, it's to teach an attendee or to even 21 potentially mentor an attendee. 22 Is that fair? 23 MR. BABCOCK: Object to form. 24 A. Not teach. Well, I would say more network. 25 The teaching takes place within the program itself. And</p>

16 (Pages 61 to 64)

Michelle Lamb - 4/27/2022

<p style="text-align: right;">65</p> <p>1 within our inside sales offices, there are facilitators 2 who work on the education piece. It's mainly a -- a 3 networking, informational-type opportunity for field 4 sales to interact with Pathway participants. 5 Q. Did it surprise you that Jennifer Harris was 6 asked to come be one of those district sales managers at 7 one of the Pathway Programs in Memphis? 8 A. No. 9 Q. Why did it not surprise you? 10 A. She had previously worked in that office. 11 Q. The Pathways Program in Memphis that Jennifer 12 Harris was invited to took place in January 2019; is 13 that right? 14 A. Yes. 15 Q. She -- Jennifer Harris originally comes to you 16 prior to January 2019 and asks for approval, and you 17 give it to her, true? 18 A. True. 19 Q. Later in January, right before the program, you 20 tell her -- you take away that approval; is that right? 21 A. Yes. 22 Q. You say it's because FedEx couldn't pay for her 23 travel or expenses; is that right? 24 MR. BABCOCK: Object to the form. 25 A. Yes. We were asked to reduce costs wherever</p>	<p style="text-align: right;">67</p> <p>1 A. Yes. 2 Q. And there's a -- is that a yes? Sorry. 3 A. Yes, that's true. 4 Q. And in FedEx's system, there's a place to put 5 notes on that an employee can say what the vacation is 6 for, true? 7 A. Yes. 8 Q. So if Jennifer Harris took a vacation day on 9 the date of the Pathways Program, it's in the system, 10 requested that date, and there's a note that references 11 the Pathway system, that's easy for FedEx to see, true? 12 A. Yes. 13 MR. BABCOCK: Object to form. 14 Q. That's easy for you to see, true? 15 A. Yes, if I approve the Workday request. 16 Q. And did you approve Jennifer Harris's vacation 17 for that time? 18 A. Typically my admin approves vacation time on my 19 behalf. 20 Q. And so on your behalf, your admin approved 21 Jennifer Harris's vacation for the exact dates of the 22 Pathway Program, true? 23 A. Yes. 24 Q. Were you at the Memphis Pathways Program? 25 A. No.</p>
<p style="text-align: right;">66</p> <p>1 possible. And based on that and that direction from my 2 boss, Jennifer was asked to cancel her trip to Memphis. 3 Q. Who asked her to cancel her trip to Memphis? 4 A. I did. 5 Q. And she responds by saying, I'll take a 6 vacation day instead; is that right? 7 MR. BABCOCK: Object to the form. 8 A. She mentioned taking a vacation day, but not 9 specifically for the purpose of going to Pathway. 10 Q. So how did she mention vacation day during that 11 meeting if it wasn't to involve the Pathway Program? 12 MR. BABCOCK: Object to the form. 13 A. I don't recall the exact conversation. And if 14 Jennifer wants to take a vacation day to go to Memphis 15 on her own, that's none of my business. She did not 16 tell me she was going to take a vacation day to go to 17 Pathway. 18 Q. So -- but she tells you she's going to take a 19 vacation during this conversation, this Pathway 20 conversation that you're saying, Hey, we need to cancel 21 it? 22 MR. BABCOCK: Object to the form. 23 A. That's right. 24 Q. And employees, when they request vacation days, 25 that's documented in FedEx's system, true?</p>	<p style="text-align: right;">68</p> <p>1 Q. You went to the Irving one; is that right? 2 A. I don't believe I went to either meeting in 3 January. I've been to Pathways, but I don't recall 4 going in January at all. 5 Q. So were you aware that other district sales 6 managers in the Memphis Pathways Program received -- had 7 their expenses paid for, or you're not aware of that; 8 you don't know? 9 A. That's not -- no, I don't know. 10 Q. Other district sales managers on your team 11 traveled to a different Pathways Program and had their 12 expenses paid for, true? 13 MR. BABCOCK: Object to the form. 14 A. True. 15 Q. And who were those people? Wait, I think I 16 have them. Mary Cassella? 17 A. No. 18 Q. No? Holly Hayes? 19 A. Are you referring to managers who reported to 20 me? 21 Q. Yes. 22 A. Neither of those individuals reported to me. 23 Q. Who are those -- Mary Cassella and Holly Hayes, 24 what is their job title? 25 A. I don't -- I don't know.</p>

17 (Pages 65 to 68)

Michelle Lamb - 4/27/2022

<p style="text-align: right;">69</p> <p>1 Q. Okay. The district sales managers that you 2 approved and allowed FedEx to expense those costs, 3 who were -- who were those people? 4 MR. BABCOCK: Object to the form. 5 A. I recall Rebecca Callahan, Brian Conrey, and 6 possibly Casey Millner. 7 Q. And -- sorry. What? 8 A. They carpooled to Dallas, there and back, same 9 day, without the need for airline expense nor hotel 10 expense. 11 Q. So the three individuals that FedEx could 12 budget that you approved to go to the Dallas Pathways 13 Program, they were all white, true? 14 A. True. 15 Q. I don't want to take up too much more of your 16 time. 17 Could you explain to me what the 18 Coach2Grow2.0 Program was? 19 A. Coach2Grow2.0 is a -- was a rollout of coaching 20 expectations for our managers, which would allow them 21 the ability to customize their coaching approach based 22 on the needs of the individual that they are coaching. 23 Q. And it's fair to say you weren't pleased with 24 how Harris -- Ms. Harris was rolling out her -- the 25 Coach2Grow2.0 Program with her team; is that -- is that</p>	<p style="text-align: right;">71</p> <p>1 her peers were doing. 2 Q. What was Ms. Harris's response? 3 A. She said she would consult with her peers to 4 learn how to roll out the material. 5 And I said, No. We are going to have 6 another conversation. I'm your manager. I need to 7 teach you this material. Your peers are also learning 8 it for the first time themselves. 9 And so I went through it with her yet 10 again. 11 Q. And what happened after that? 12 A. After that, she proceeded to roll out the 13 material to her team. And I asked her for confirmation 14 that it was done with each individual, and she provided 15 that for me. 16 Q. And it met your satisfaction? You coached her, 17 and she did it right? 18 MR. BABCOCK: Object to the form. 19 A. Yes. 20 Q. All right. Explain -- would you explain to me 21 your process -- let me start over. 22 It was your decision to terminate 23 Ms. Harris in January 2020, true? 24 A. True. 25 Q. When did you make that decision?</p>
<p style="text-align: right;">70</p> <p>1 accurate? 2 A. That's accurate. 3 Q. Describe what Ms. Harris was doing wrong, in 4 your opinion. 5 MR. BABCOCK: Object to the form. 6 A. My -- I spent three and a half hours with 7 Ms. Harris reviewing expectations for her rollout of 8 Coach2Grow2.0 with her team. At that meeting, she took 9 no notes and had no questions. 10 I later followed up with her to establish 11 how those conversations went, and she said to me that 12 she had abbreviated the rollout and had only discussed a 13 couple of the slides with her team, which was not 14 following the direction that I had given her. 15 Q. And so you confronted Ms. Harris about these 16 issues? 17 MR. BABCOCK: Object to the form. 18 A. Yes. 19 Q. How did you do so? How did you do that? 20 A. I started by asking her questions. I asked her 21 for the results of her Coach2Grow rollout and quickly 22 identified that there are these gaps. I explained to 23 her that I was very disappointed and I needed her to 24 make sure that she understood the material and was 25 capable of rolling out to her team as instructed and as</p>	<p style="text-align: right;">72</p> <p>1 A. I made that decision after the unsuccessful 2 completion of her second performance improvement plan. 3 Q. So if I'm remembering right, she had two -- you 4 gave Ms. Harris two letters of counseling and two 5 performance improvement plans? 6 MR. BABCOCK: Object to the form. 7 A. There was a letter of counseling, a letter of 8 warning, and two performance improvement plans. 9 Q. And what expectation -- or what did she not 10 meet in the second performance improvement plan that led 11 to her termination for you? 12 A. There were five objectives outlined within that 13 performance improvement plan. Three of the five 14 objectives were not met. The details of that 15 performance improvement plan are not in front of me at 16 the moment, but I know that those documents have been 17 provided. 18 Q. The -- you created a request for termination 19 form; is that true? 20 A. That's true. 21 Q. And in that -- okay. So it looks to me that 22 when you gave Ms. Harris the letter of counseling, the 23 first performance improvement plan came with it, that it 24 was like a bundle. 25 Is that right?</p>

18 (Pages 69 to 72)

Michelle Lamb - 4/27/2022

<p style="text-align: right;">73</p> <p>1 MR. BABCOCK: Object to the form.</p> <p>2 A. The performance -- no, that's not right. The</p> <p>3 performance improvement plan was created with insight</p> <p>4 from Jennifer and was not a bundle with the letter of</p> <p>5 counseling.</p> <p>6 Q. So in your request for termination form, you</p> <p>7 say on June 26, 2019, letter of counseling and</p> <p>8 performance improvement plan created.</p> <p>9 Is that not accurate?</p> <p>10 A. I'd have to look at the documents.</p> <p>11 Q. Let's go ahead ... I'm showing you what's</p> <p>12 Bates-labeled FX 19. It says -- is this the request for</p> <p>13 termination form that you filled out?</p> <p>14 A. Yes.</p> <p>15 Q. Let me see if I can zoom in.</p> <p>16 Down at the bottom it says, June 26, 2019,</p> <p>17 letter of counseling and performance improvement plan</p> <p>18 created on the same day.</p> <p>19 Is that accurate or inaccurate?</p> <p>20 A. The performance improvement plan would have</p> <p>21 followed after the letter of counseling.</p> <p>22 Q. So this is not accurate (indicating)?</p> <p>23 MR. BABCOCK: Object to the form.</p> <p>24 A. No.</p> <p>25 Q. Okay. Sorry. This is for the record, of</p>	<p style="text-align: right;">75</p> <p>1 A. Would you repeat the question, please?</p> <p>2 Q. Yeah. Did you provide any of these OneNote</p> <p>3 notes to anybody at HR at Ms. Harris's time of</p> <p>4 termination?</p> <p>5 A. Surrounding the time of termination, yes.</p> <p>6 Q. Who did you give them to?</p> <p>7 A. I worked closely in conjunction with HR</p> <p>8 regarding all of the disciplinary action involving</p> <p>9 Ms. Harris.</p> <p>10 Q. Who were the HR representatives that you worked</p> <p>11 closely with?</p> <p>12 A. There were -- there were two. Initially Jim</p> <p>13 Wallace was my HR advisor. He has since retired. And</p> <p>14 then following his retirement, his position was</p> <p>15 backfilled with Kristie Castilow.</p> <p>16 Q. Anybody else?</p> <p>17 A. No.</p> <p>18 Q. Could you tell me about the day of Ms. Harris's</p> <p>19 termination? What day of the week was it?</p> <p>20 A. I don't know.</p> <p>21 Q. Sorry. I think there was a -- I couldn't hear</p> <p>22 you. What did you say?</p> <p>23 A. I don't recall what day of the week it was.</p> <p>24 Q. Do you remember the time of day that you had</p> <p>25 the conversation?</p>
<p style="text-align: right;">74</p> <p>1 course, and I just said "this" and pointing, and the</p> <p>2 court reporter is not going to pick that up.</p> <p>3 So in the request for termination form,</p> <p>4 where it says June 26, 2019, letter of counseling and</p> <p>5 performance improvement created, that is not accurate</p> <p>6 because the performance improvement plan was not created</p> <p>7 on the same day as the letter of counseling, true?</p> <p>8 A. That's true. We had a -- the full amount of</p> <p>9 time required to address the items in the performance</p> <p>10 improvement plan, but they were not delivered on the</p> <p>11 exact same day.</p> <p>12 Q. And where it says September 13th, 2019, letter</p> <p>13 of warning and performance improvement plan created,</p> <p>14 that is also not true, because they were created on</p> <p>15 different days; is that right?</p> <p>16 MR. BABCOCK: Object to the form.</p> <p>17 A. That's right.</p> <p>18 Q. It says all coaching sessions have been</p> <p>19 documented in OneNote.</p> <p>20 Is that the same OneNote that you were</p> <p>21 talking about earlier in the deposition?</p> <p>22 A. Yes.</p> <p>23 Q. Did you provide this OneNote documentation of</p> <p>24 the coaching sessions you had with Jennifer Harris to</p> <p>25 anyone in HR at the time of Ms. Harris's termination?</p>	<p style="text-align: right;">76</p> <p>1 A. No.</p> <p>2 Q. Was this a one-on-one meeting? Was there</p> <p>3 anybody else in the room?</p> <p>4 A. It was a meeting with three people: Jennifer</p> <p>5 Harris; myself; and one of my peer directors, Mr. Grant</p> <p>6 Kuhn.</p> <p>7 Q. How do you spell his last name?</p> <p>8 A. K-u-h-n.</p> <p>9 Q. Grant Kuhn was another director -- managing</p> <p>10 director of field sales?</p> <p>11 A. Correct.</p> <p>12 Q. What was his territory?</p> <p>13 A. He had the northern half of the state of Texas.</p> <p>14 Q. You did not have any HR present with you while</p> <p>15 you were terminating Ms. Harris that day?</p> <p>16 A. That's correct.</p> <p>17 Q. Why not?</p> <p>18 A. Our requirement is that a peer be present with</p> <p>19 me, and I had met that expectation.</p> <p>20 Q. Did you want HR to be in that room with you, or</p> <p>21 you just didn't -- did it cross your mind? Did they not</p> <p>22 want to be with you, or ...</p> <p>23 A. I had worked closely with HR up and to that</p> <p>24 point and didn't feel that it was necessary for them to</p> <p>25 be in the room.</p>

19 (Pages 73 to 76)

Michelle Lamb - 4/27/2022

<p style="text-align: right;">77</p> <p>1 Q. And describe that meeting. What happened at 2 that meeting?</p> <p>3 A. The meeting was relatively brief. Ms. Harris 4 came in, I believe, with the expectation of that being 5 her last meeting because she had cleared out her office. 6 The meeting was short. I provided her with the letter. 7 She refused to sign it. Grant Kuhn signed on -- as a 8 witness to the fact that she refused to sign, and the 9 meeting adjourned. She --</p> <p>10 Q. What did you --</p> <p>11 A. -- left her FedEx property with me. Laptop, 12 employee ID, credit card, those items.</p> <p>13 Q. How did you tell Ms. Harris that she was being 14 terminated? What did you say?</p> <p>15 A. I don't recall the exact conversation. It was 16 quite some time ago. But I know the conversation was 17 today, that day, would be her last day at FedEx. And I 18 gave her the letter and an opportunity to read the 19 letter and answer any questions. She didn't have any 20 questions. And as I mentioned, the meeting was very 21 brief.</p> <p>22 Q. Did you say the reasons why you were 23 terminating her?</p> <p>24 A. It was all contained within the letter that she 25 read.</p>	<p style="text-align: right;">79</p> <p>1 and letter of warning, there are ongoing investigations 2 about Ms. Harris's complaints against you, true?</p> <p>3 A. True.</p> <p>4 Q. While these investigations are ongoing and 5 pending, did HR ever come to you and ask you to halt any 6 potential disciplinary action? Any termination? Wait 7 until these investigations are over? Anything like 8 that?</p> <p>9 MR. BABCOCK: Object to the form.</p> <p>10 A. Yes. It's the right thing to do to let an 11 investigation be completed in its entirety.</p> <p>12 Q. So what did HR tell you to do?</p> <p>13 MR. BABCOCK: Object to the form.</p> <p>14 A. To table any concerns until the investigation 15 had been completed.</p> <p>16 Q. When did HR tell you to table any concerns 17 until the investigation is completed?</p> <p>18 A. I couldn't say specific- -- specifically.</p> <p>19 Q. She makes her first complaint against you early 20 2019. You give your first letter of counseling June 21 2019. There's an invest- -- is it around -- when 22 does -- do you remember when the investigation started?</p> <p>23 MR. BABCOCK: Object to the form.</p> <p>24 A. No. In fact, I don't know that I am 25 immediately notified. So I cannot answer that question.</p>
<p style="text-align: right;">78</p> <p>1 Q. Did you draft that letter, or did someone draft 2 it for you?</p> <p>3 A. I drafted the letter and had approval from HR 4 on the terminology.</p> <p>5 Q. And what -- do you remember what that letter 6 said?</p> <p>7 A. Not without having it in front of me.</p> <p>8 Q. Was it just that you were terminated today, or 9 did it give reasons for her termination?</p> <p>10 MR. BABCOCK: Object to the form.</p> <p>11 A. I would have to look at it again to tell you 12 what it says.</p> <p>13 Q. You don't remember if that letter contained any 14 reasons for her termination?</p> <p>15 MR. BABCOCK: Object to the form.</p> <p>16 A. I don't recall what it said.</p> <p>17 Q. When you created the request for termination 18 form, that form was created before Ms. Harris was 19 terminated, true?</p> <p>20 A. True.</p> <p>21 Q. And Ms. Harris never received that form, true?</p> <p>22 A. Correct.</p> <p>23 Q. While she was employed.</p> <p>24 During this time that you give Ms. Harris 25 performance improvement plans and a letter of counseling</p>	<p style="text-align: right;">80</p> <p>1 Q. And so does that refresh your memory on, 2 ballpark, when HR told you to table any concerns until 3 the investigation is completed?</p> <p>4 A. No.</p> <p>5 Q. Do you remember if it was snowing outside? Was 6 it Christmastime? Was it summertime?</p> <p>7 A. I do not know the answer to that question.</p> <p>8 Q. So then how do you -- when do you table any of 9 your concerns? When does that take place? How do you 10 do that?</p> <p>11 A. Based on the fact that Jennifer's performance 12 was not improving, there was a need to continue on a 13 progressive disciplinary process; however, I waited 14 until any type of allegations and investigations had 15 been completed. I don't recall the dates of those 16 without looking at my records, of course.</p> <p>17 Q. So while HR is doing an ongoing investigation, 18 you are continuing with the progressive disciplinary 19 process; you just aren't terminating her until the 20 investigation is over?</p> <p>21 MR. BABCOCK: Object to the form.</p> <p>22 A. I'm continuing to coach her for improvement and 23 to coach her based on those items that were outlined 24 on -- you know, in her PIPs, the entire process.</p> <p>25 Q. Okay. So the PIP is ongoing while the</p>

20 (Pages 77 to 80)

Michelle Lamb - 4/27/2022

<p style="text-align: right;">81</p> <p>1 investigation is ongoing, true?</p> <p>2 MR. BABCOCK: Object to the form.</p> <p>3 A. These are questions HR would be better suited</p> <p>4 to respond to because I do not know the dates in which</p> <p>5 their investigations began nor concluded.</p> <p>6 Q. Were you interviewed as a part of an HR</p> <p>7 investigation about Jennifer Harris while Jennifer</p> <p>8 Harris was on an active PIP by you?</p> <p>9 A. I was interviewed by HR. I could not tell you</p> <p>10 specifically if it was during the time of her PIP.</p> <p>11 Q. When did you get the green light to terminate</p> <p>12 Ms. Harris?</p> <p>13 A. It was shortly after the submission of the RFT,</p> <p>14 request for termination, document.</p> <p>15 Q. When you submit the request for termination</p> <p>16 document, were you aware that Ms. Harris's investigation</p> <p>17 about the complaints had concluded?</p> <p>18 A. I believe so.</p> <p>19 Q. But you're not sure?</p> <p>20 A. No, I don't recall.</p> <p>21 Q. Did HR notify you that the investigation about</p> <p>22 you by Ms. Harris had been concluded?</p> <p>23 A. I do not recall.</p> <p>24 Q. They didn't sit you down and say, Hey, these</p> <p>25 are the results of the investigation about you?</p>	<p style="text-align: right;">83</p> <p>1 complaints were unsubstantiated or substantiated?</p> <p>2 A. I do not recall.</p> <p>3 Q. Do you think it's a big deal if one of your</p> <p>4 employees makes a discrimination or retaliation</p> <p>5 complaint against you?</p> <p>6 A. Yes, I do.</p> <p>7 Q. Would you want to know the results of that</p> <p>8 complaint?</p> <p>9 A. Yes.</p> <p>10 Q. Would you just -- you said HR did interview you</p> <p>11 as a result of Ms. Harris's complaints, true?</p> <p>12 A. True.</p> <p>13 Q. As a part of an investigation, true?</p> <p>14 A. Yes.</p> <p>15 Q. How did that -- what did that look like? Did</p> <p>16 HR email you and say, We would like to set up a time to</p> <p>17 interview you? Did somebody come into your office? How</p> <p>18 did that start or take place?</p> <p>19 A. I received a request for a meeting to respond</p> <p>20 to questions that were a part of the investigation and</p> <p>21 allegations made against me.</p> <p>22 Q. By whom? Who sent you that request?</p> <p>23 A. Michael Clark.</p> <p>24 I responded to his questions. I responded</p> <p>25 via email as well. And that was the format that was</p>
<p style="text-align: right;">82</p> <p>1 A. If there were concerns with the timeline of the</p> <p>2 investigation and the request for termination, that</p> <p>3 would have been brought to my attention and the RFT</p> <p>4 would have been declined.</p> <p>5 Q. HR did not -- but HR didn't do that; is that</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. HR let you terminate Jennifer Harris, true?</p> <p>9 A. They did.</p> <p>10 Q. Did HR sit down with you and discuss the</p> <p>11 results of Ms. Harris's complaints and the corresponding</p> <p>12 investigation?</p> <p>13 MR. BABCOCK: Object to the form.</p> <p>14 A. They did not sit down with me and go over the</p> <p>15 results of the investigation.</p> <p>16 Q. Did you receive any coaching as a result of the</p> <p>17 complaints and investigation?</p> <p>18 A. No, I did not.</p> <p>19 Q. Did -- so did HR tell you, Hey, the complaints</p> <p>20 that Jennifer Harris brought against you were</p> <p>21 unsubstantiated? Did they do that?</p> <p>22 MR. BABCOCK: Object to form.</p> <p>23 A. As I stated earlier, HR did not sit down with</p> <p>24 me and go over the results of the investigation.</p> <p>25 Q. Did they notify you in any way that the</p>	<p style="text-align: right;">84</p> <p>1 used.</p> <p>2 Q. When he sends you this request for a meeting,</p> <p>3 is that -- is that an email, or is that a calendar</p> <p>4 invite, or both?</p> <p>5 A. I believe he sent me an email asking for a</p> <p>6 convenient time to set aside for this purpose.</p> <p>7 Q. And in that email, did he also send you</p> <p>8 questions that you responded to, or did that come later?</p> <p>9 A. It came later.</p> <p>10 Q. So a separate -- so a separate email had</p> <p>11 specific questions from Michael Clark to you which you</p> <p>12 answered in a responsive email, true?</p> <p>13 A. I'm sorry. Would you say that again?</p> <p>14 Q. Yeah. There was a separate email from Michael</p> <p>15 Clark to you where Michael Clark asked you specific</p> <p>16 interview questions, and you responded to those</p> <p>17 interview questions?</p> <p>18 A. Michael Clark asked me questions on -- during a</p> <p>19 phone conversation and later followed up with an email</p> <p>20 recap of the questions and my responses.</p> <p>21 Q. I gotcha.</p> <p>22 So the interview that you had for the</p> <p>23 investigation was a phone -- initial phone call?</p> <p>24 A. Yes.</p> <p>25 Q. With a follow-up email recapping the</p>

21 (Pages 81 to 84)

Michelle Lamb - 4/27/2022

<p style="text-align: right;">85</p> <p>1 conversation?</p> <p>2 A. Correct.</p> <p>3 Q. Who was on the phone call?</p> <p>4 A. Michael Clark and myself.</p> <p>5 Q. What did -- what do you remember about that</p> <p>6 phone call?</p> <p>7 A. I remember that he asked me a series of</p> <p>8 questions and that was -- that was the purpose of the</p> <p>9 call.</p> <p>10 Q. How long did the call last?</p> <p>11 A. I had several calls with him. I don't recall</p> <p>12 how many with follow-up questions. And I could not tell</p> <p>13 you how long those calls lasted.</p> <p>14 Q. If you had to ballpark the first interview</p> <p>15 call, would you say hours? Minutes?</p> <p>16 A. Ballpark, hour.</p> <p>17 Q. And follow-up, less than that?</p> <p>18 A. Similar to that.</p> <p>19 Q. So you had multiple hour-long phone calls,</p> <p>20 estimated, with HR representative Michael Clark about</p> <p>21 Jennifer Harris's complaints as a part of an</p> <p>22 investigation as you knew it?</p> <p>23 MR. BABCOCK: Object to the form.</p> <p>24 A. Yes. Again, ballpark, hour.</p> <p>25 Q. During those phone conversations, did Michael</p>	<p style="text-align: right;">87</p> <p>1 let me know the results. And it was an ongoing</p> <p>2 investigation, which is why I spoke to Mr. Clark on</p> <p>3 multiple occasions.</p> <p>4 Q. Is this the same process that you went through</p> <p>5 for Richard Holley, or was that one different?</p> <p>6 A. Same in format.</p> <p>7 Q. Was Michael Clark the person who interviewed</p> <p>8 you as a part of Richard Holley's investigation?</p> <p>9 A. I believe so.</p> <p>10 Q. Did you have multiple phone conversations or</p> <p>11 just one for Richard Holley's investigation?</p> <p>12 A. I believe it was just one.</p> <p>13 Q. Were you notified of -- you said you were</p> <p>14 notified of the results for Richard Holley's</p> <p>15 investigation, and you received coaching; is that true?</p> <p>16 MR. BABCOCK: Object to the form.</p> <p>17 A. I received coaching based on the way I had</p> <p>18 managed his specific team meeting; that is true.</p> <p>19 Q. Did that coaching come in an email or a phone</p> <p>20 call or some other way?</p> <p>21 A. I believe that was a phone call from Dave</p> <p>22 Russell to myself.</p> <p>23 Q. And did that coaching -- was it -- was it</p> <p>24 documented in a letter, like, a follow-up email saying,</p> <p>25 Hey, Michelle Lamb needs to do "X," "Y," and "Z" as a</p>
<p style="text-align: right;">86</p> <p>1 Clark ever tell you to keep the investigation</p> <p>2 confidential, to -- Hey, don't terminate Ms. Harris</p> <p>3 during this time? Any type of those questions or</p> <p>4 comments?</p> <p>5 A. There were comments about confidentiality.</p> <p>6 There were not ever conversations about termination.</p> <p>7 Q. Did you tell Mr. Clark that Jennifer Harris was</p> <p>8 on a PIP, progressive -- progressive disciplinary</p> <p>9 process --</p> <p>10 MR. BABCOCK: Object to the form.</p> <p>11 Q. -- in those conversations?</p> <p>12 MR. BABCOCK: I'm sorry. Object to the</p> <p>13 form.</p> <p>14 A. I don't recall. My responses to the questions</p> <p>15 asked by Mr. Clark were all documented. I would have to</p> <p>16 resort to those to tell you exactly what was discussed.</p> <p>17 Q. And you didn't volunteer the fact that you had</p> <p>18 Jennifer Harris on a performance improvement plan?</p> <p>19 MR. BABCOCK: Object to the form.</p> <p>20 A. Again, I don't recall.</p> <p>21 Q. How did the conversation end? Did Mr. Clark</p> <p>22 say, All right, we'll tell you the results of this</p> <p>23 investigation when it's done, or, This is ongoing?</p> <p>24 Anything like that?</p> <p>25 A. I do not recall him indicating that he would</p>	<p style="text-align: right;">88</p> <p>1 result?</p> <p>2 A. I believe so.</p> <p>3 Q. You did not receive that -- anything like that</p> <p>4 for Jennifer Harris?</p> <p>5 A. I do not recall receiving anything like that</p> <p>6 from [sic] Jennifer Harris.</p> <p>7 Q. Did -- so Dave Russell was -- for Richard</p> <p>8 Holley's investigation, Dave Russell was the person who</p> <p>9 said you had to do some coaching? It wasn't HR? It</p> <p>10 wasn't Michael Clark?</p> <p>11 MR. BABCOCK: Object to the form.</p> <p>12 A. The message came to me from Dave Russell.</p> <p>13 MS. SANFORD: Okay. I think I'm about</p> <p>14 done. If we take a five-minute break, I'll check my</p> <p>15 notes and use the restroom.</p> <p>16 MR. BABCOCK: Okay.</p> <p>17 THE REPORTER: Off the record at 10:58.</p> <p>18 (Recess taken from 10:58 to 11:01.)</p> <p>19 THE REPORTER: Back on the record at</p> <p>20 11:01.</p> <p>21 Q. Ms. Lamb, did you receive any training from</p> <p>22 FedEx about discrimination or retaliation in the</p> <p>23 workplace?</p> <p>24 A. Yes. I have received training on -- on both of</p> <p>25 those topics.</p>

22 (Pages 85 to 88)

Michelle Lamb - 4/27/2022

<p style="text-align: right;">89</p> <p>1 Q. Could you describe that training for me?</p> <p>2 A. There was new manager training that takes place</p> <p>3 anytime a person moves into a leadership position, and</p> <p>4 of course we have policies that are associated with the</p> <p>5 topic as well.</p> <p>6 Q. So you receive -- so you got new training when</p> <p>7 you became a manager around 2014, potentially, in</p> <p>8 Detroit, true?</p> <p>9 A. Yes, I became a manager in Detroit. The</p> <p>10 training itself took place in Memphis.</p> <p>11 Q. So it was in-person training?</p> <p>12 A. Correct.</p> <p>13 Q. And how long was it? Was it, like, a week? A</p> <p>14 day? An hour?</p> <p>15 A. It was several days, if not a week.</p> <p>16 Q. And part of that several days, maybe a week</p> <p>17 training, discrimination and retaliation in the</p> <p>18 workplace was part of that?</p> <p>19 A. That's correct.</p> <p>20 Q. So it wasn't like a whole week on</p> <p>21 discrimination training alone?</p> <p>22 A. Right.</p> <p>23 Q. And in this in-person training, did you have to</p> <p>24 take -- or what did they teach you, if you remember, at</p> <p>25 that in-person training in Memphis?</p>	<p style="text-align: right;">91</p> <p>1 it a couple of times throughout my time?</p> <p>2 A. I'll say once a year.</p> <p>3 Q. Did you have to take a test as part of those</p> <p>4 online modules, or it was just click through the slides?</p> <p>5 A. I don't recall.</p> <p>6 Q. What does "DE&I" [sic] stand for?</p> <p>7 A. DE&I. Diversity, equity, and inclusion.</p> <p>8 Q. And could you describe what a DE&I focus group</p> <p>9 is?</p> <p>10 A. Yes. A group of individuals who help keep</p> <p>11 topics relative to DE&I front and center, to also</p> <p>12 provide as a network for anyone who may be having</p> <p>13 struggles in that area or have concerns in that area.</p> <p>14 And those individuals are really educating our entire</p> <p>15 sales force on the importance of DE&I.</p> <p>16 Q. So who are those -- is that, like, HR</p> <p>17 representatives that are a part of this focus group?</p> <p>18 A. They would be director nominees. They are not</p> <p>19 HR professionals. They are director nominees based on,</p> <p>20 you know, their interest and passion for the subject.</p> <p>21 Q. And did they just travel around to different</p> <p>22 departments, like, in Houston for you, and give talks,</p> <p>23 or how did -- how did that work?</p> <p>24 A. I can only speak to my representative, and that</p> <p>25 person primarily addresses our team via Zoom calls.</p>
<p style="text-align: right;">90</p> <p>1 A. It was several years ago. I would struggle to</p> <p>2 remember the exact content, so I'm not going to be able</p> <p>3 to answer the question.</p> <p>4 Q. After that in-person training in Memphis when</p> <p>5 you got your first managerial role for FedEx, did you</p> <p>6 have any training after that that referenced</p> <p>7 discrimination or retaliation?</p> <p>8 MR. BABCOCK: Object to the form.</p> <p>9 A. We periodically have training throughout FedEx</p> <p>10 on the importance of, you know, diversity, equity, and</p> <p>11 inclusion.</p> <p>12 Q. Is that in Memphis as well?</p> <p>13 A. No.</p> <p>14 Q. How does that -- what does it look like?</p> <p>15 A. Well, we have a -- we have a series of online</p> <p>16 modules that are reviewed on a regular basis. We also</p> <p>17 have a DE&I focus groups that meet with managers,</p> <p>18 directors, and account executives on a regular basis for</p> <p>19 that purpose.</p> <p>20 Q. How often did you complete an online module</p> <p>21 about discrimination or retaliation?</p> <p>22 MR. BABCOCK: Object to the form.</p> <p>23 A. Without checking, I couldn't answer that</p> <p>24 question.</p> <p>25 Q. Could you ballpark it? Like, once a year? Did</p>	<p style="text-align: right;">92</p> <p>1 Q. Who is that person?</p> <p>2 A. The person on my current team is Ivette Bear.</p> <p>3 Q. How do you spell her last name?</p> <p>4 A. B-e-a-r.</p> <p>5 Q. Was Ms. Bear the same person when Ms. Harris</p> <p>6 was reporting to you?</p> <p>7 A. No.</p> <p>8 Q. Who was that person?</p> <p>9 A. The teams were established after Ms. Harris's</p> <p>10 termination. But when I was in field sales, the DE&I</p> <p>11 point person was Virginia Solgot, S-o-l-g-o-t.</p> <p>12 Q. So what was Virginia Solgot's role if there was</p> <p>13 no DE&I focus group, that you call it?</p> <p>14 A. I'm sorry?</p> <p>15 Q. So what did Virginia Solgot do since these</p> <p>16 focus groups had not been formed yet?</p> <p>17 MR. BABCOCK: Object to the form.</p> <p>18 A. She actually helped write the content that was</p> <p>19 delivered to all of the DE&I representatives across our</p> <p>20 sales organization. So Virginia was a tremendous leader</p> <p>21 in that respect.</p> <p>22 Q. Did she meet with you via Zoom, or was that in</p> <p>23 person?</p> <p>24 A. Primarily via Zoom.</p> <p>25 Q. And how often did you meet to discuss DE&I</p>

23 (Pages 89 to 92)

Michelle Lamb - 4/27/2022


<p style="text-align: right;">93</p> <p>1 topics?</p> <p>2 A. Say, on average, monthly.</p> <p>3 Q. Did you ever bring any concerns to her about</p> <p>4 Jennifer Harris?</p> <p>5 A. No.</p> <p>6 Q. What did Virginia Solgot teach or talk about</p> <p>7 during these monthly Zoom meetings?</p> <p>8 A. Anything from, you know, different aspects</p> <p>9 of -- different aspects of, you know, inequality,</p> <p>10 whether that's racial inequality, gender, sexual</p> <p>11 orientation. She would bring different discussion items</p> <p>12 up. She would perform different activities to just</p> <p>13 really share awareness. She would share special holiday</p> <p>14 information that might be specific to certain religious</p> <p>15 groups. It was very much an educational group that was</p> <p>16 formed by Virginia.</p> <p>17 Q. Who all was involved in this group?</p> <p>18 A. Each individual district had a representative</p> <p>19 that was working with Virginia and cascading her message</p> <p>20 to their individual teams.</p> <p>21 Q. Could you describe to me what you were taught</p> <p>22 of how race discrimination looks like in the workplace?</p> <p>23 A. It's any instance of treating someone</p> <p>24 disrespectfully and any instance that attacks a person's</p> <p>25 dignity. All people have the right to work in a safe</p>	<p style="text-align: right;">95</p> <p>1 original to you for signature?</p> <p>2 MS. SANFORD: He logged off.</p> <p>3 THE REPORTER: That's okay.</p> <p>4 MS. SANFORD: But, yeah.</p> <p>5 THE REPORTER: Thank you.</p> <p>6 (Proceedings concluded at 11:13 a.m.)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">94</p> <p>1 and fair environment.</p> <p>2 Q. And were you trained that discrimination in the</p> <p>3 workplace, race discrimination, can still occur even if</p> <p>4 no one uses a racial slur?</p> <p>5 A. Yes.</p> <p>6 Q. Race discrimination can occur if no symbols,</p> <p>7 like a swastika symbol, is drawn, right? There can</p> <p>8 still be discrimination occurring, true?</p> <p>9 A. True.</p> <p>10 Q. Do you agree with me that a manager has the</p> <p>11 power to treat her direct reports differently from one</p> <p>12 another?</p> <p>13 A. Yes.</p> <p>14 Q. Do you agree with me that discrimination --</p> <p>15 sorry. Do you agree with me that a company should</p> <p>16 prevent discrimination in the workplace, not just react</p> <p>17 to it?</p> <p>18 A. Yes.</p> <p>19 Q. Same with retaliation?</p> <p>20 A. Yes.</p> <p>21 MS. SANFORD: All right. That's all the</p> <p>22 questions I have for you today. Thank you, Ms. Lamb.</p> <p>23 MR. BABCOCK: Thank you.</p> <p>24 THE WITNESS: Thank you.</p> <p>25 THE REPORTER: Mr. Babcock, I send the</p>	<p style="text-align: right;">96</p> <p>1 ERRATA</p> <p>2 WITNESS: MICHELLE LAMB DATE: APRIL 27, 2022</p> <p>3 PAGE NO. LINE NO. CHANGE REASON FOR CHANGE</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p>

24 (Pages 93 to 96)

Osteen & Associates Reporting Services
817-498-9990

Appx-867

Michelle Lamb - 4/27/2022

<p style="text-align: right;">97</p> <p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2 I, _____, do hereby certify that I</p> <p>3 have read the foregoing pages, and that the same is a</p> <p>4 correct transcription of the answers given by me to the</p> <p>5 questions therein propounded, except for the corrections</p> <p>6 or changes in form or substance, if any, noted on the</p> <p>7 attached Errata.</p> <p>8</p> <p>9</p> <p>10 _____</p> <p>11 MICHELLE LAMB DATE</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">99</p> <p>1 _____ was not requested by the deponent or a</p> <p>2 party before the completion of the deposition.</p> <p>3 I further certify that I am neither counsel</p> <p>4 for, related to, nor employed by any of the parties or</p> <p>5 attorneys to the action in which this proceeding was</p> <p>6 taken. Further, I am not a relative or employee of any</p> <p>7 attorney of record in this cause, nor am I financially</p> <p>8 or otherwise interested in the outcome of the action.</p> <p>9 Subscribed and sworn to on this the 19th day</p> <p>10 of May, 2022.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15  LEAH K. OSTEE DOW, Texas CSR</p> <p>16 Certification expires: 4/30/2023</p> <p>17 Firm Registration No. 392</p> <p>18 Osteen & Associates Reporting Services</p> <p>19 313 Northglen Dr.</p> <p>20 Hurst, Texas 76054-3024</p> <p>21 (817) 498-9990</p> <p>22 osteenreporting@gmail.com</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">98</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF TEXAS</p> <p>3 JENNIFER HARRIS, *</p> <p>4 Plaintiff, *</p> <p>5 vs. * CIVIL ACTION</p> <p>6 FEDEX CORPORATE SERVICES, * 4:21-cv-1651</p> <p>7 INC., *</p> <p>8 Defendant. *</p> <p>9 *****</p> <p>10 REPORTER'S CERTIFICATION</p> <p>11 ORAL AND VIDEOTAPED DEPOSITION OF</p> <p>12 MICHELLE LAMB</p> <p>13 APRIL 27, 2022</p> <p>14 *****</p> <p>15 I, LEAH K. OSTEE DOW, Certified Shorthand</p> <p>16 Reporter in and for the State of Texas, hereby certify</p> <p>17 to the following:</p> <p>18 That the witness, MICHELLE LAMB, was duly</p> <p>19 sworn by me and that the transcript of the oral</p> <p>20 deposition is a true record of the testimony given by</p> <p>21 the witness;</p> <p>22 I further certify that pursuant to FRCP Rule</p> <p>23 30(f)(1) that the signature of the deponent:</p> <p>24 _____ was requested by the deponent or a party</p> <p>25 before the completion of the deposition and is to be</p> <p>26 returned within 30 days from date of receipt of the</p> <p>27 transcript. If returned, the attached Errata contain</p> <p>28 any changes and the reasons therefor;</p>	

25 (Pages 97 to 99)

Osteen & Associates Reporting Services
817-498-9990

Appx-868